

Fresno County Probation Department

Probation Manual

MISSION STATEMENT

As a member of the criminal justice system, the Fresno County Probation Department's mission is to provide protection for the community, support victim advocacy, and deliver essential services to the Courts.

This mission is accomplished through collaboration and partnerships, which encompass a continuum of sanctions including prevention/intervention, investigation, supervision, and incarceration with treatment.

Fresno County Probation Department

Probation Manual

Table of Contents

Mission Statement.	1
Chapter 1 - Probation Role and Authority.	5
100 - Probation Authority.	6
101 - Chief Probation Officer.	7
102 - Oath of Office.	8
103 - Policy Manual.	9
104 - Code of Ethics.	12
105 - Core Values Statement.	13
Chapter 2 - Organization and Administration.	15
200 - Organizational Structure and Responsibility.	16
201 - Temporary Departmental Orders.	18
203 - Training.	20
204 - Electronic Mail.	25
205 - Administrative Communications.	27
206 - Retiree Concealed Firearms.	28
207 - Internal Department Communication.	33
208 - Training Plan.	35
Chapter 3 - General Operations.	38
300 - Use of Force.	39
301 - Use of Force Review Boards.	50
302 - Officer-Involved Shootings and Deaths.	53
303 - Firearms.	60
304 - Handcuffing and Restraints.	68
305 - Control Devices.	73
306 - Foot Pursuits.	76
307 - Search and Seizure.	79
308 - Canines.	82
309 - Mandatory Reporting.	89
310 - Victim and Witness Assistance.	93
311 - Information Technology Use.	96
312 - Department Use of Social Media.	100
313 - Report Writing.	103
314 - Media Relations.	108
315 - Outside Agency Assistance.	110
316 - Major Incident Notification.	112
319 - Biological Samples.	114
320 - Child and Dependent Adult Safety.	117
321 - Service Animals.	121
322 - Vendors, Volunteers and Student Interns.	124
323 - Off-Duty Law Enforcement Actions.	130
324 - Community Relations.	132

Fresno County Probation Department

Probation Manual

325 - Critical Incident Review and Notification.	135
326 - Department Notification.	137
327 - Intranasal Naloxone Administration.	139
Chapter 4 - Intake, Orientation, and Supervision.	142
400 - Initial and Post Sentence Intake with Probation Services.	143
401 - Risk and Needs Assessments.	146
402 - Supervision of Persons.	148
403 - Compliance Monitoring.	153
404 - Drug and Alcohol Testing.	158
405 - Modification of Conditions of Supervision.	161
406 - Violations of Supervision.	163
407 - Subpoenas and Court Appearances.	165
408 - Interstate Transfer of Supervision.	169
409 - Interstate Transfer of Supervision of Juveniles.	171
410 - Cash Handling, Security, and Management.	173
412 - Bias-Based Supervision.	175
Chapter 5 - Field and Special Operations.	177
500 - Crime Scene Integrity and Investigation.	178
501 - Ride-Alongs.	181
503 - Hostage and Barricade Incidents.	184
504 - Response to Bomb Threat Calls.	186
505 - Crisis Intervention Incidents.	190
507 - Rapid Response and Deployment.	194
508 - Immigration Violations.	197
509 - Mobile Computer Use.	200
510 - Portable Audio/Video Recorders.	202
511 - Public Recording of Members with the Fresno County Probation Department.	207
512 - Medical Aid and Response.	210
513 - Suspicious Activity Reporting.	214
514 - Task Force.	216
515 - Operations Planning and Deconfliction.	218
516 - Transporting Persons in Custody.	222
517 - Asset Forfeiture.	226
Chapter 6 - Equipment.	233
600 - Department-Owned, Personal Property and Personal Protective Equipment.	234
601 - Personal Communication Devices.	237
602 - Vehicle Use, Safety, and Maintenance.	241
604 - Body Armor.	248
605 - Vehicle Stops and Emergency Lights.	250
Chapter 7 - Support Services.	252
701 - Records Maintenance and Release.	253
702 - Protected Information.	260

Fresno County Probation Department

Probation Manual

Chapter 8 - Personnel.	264
800 - Recruitment and Selection.	265
801 - Standards of Conduct.	269
802 - Performance Evaluations.	277
803 - Assignments and Promotions.	280
804 - Grievances.	282
805 - Discrimination/Harassment.	284
806 - Anti-Retaliation.	289
807 - Reporting of Arrests, Convictions, and Court Orders.	293
808 - Drug- and Alcohol-Free Workplace.	295
809 - Vacation and Sick Leave.	298
811 - Smoking and Tobacco Use.	302
812 - Personnel Complaints.	303
813 - Seat Belts.	313
814 - Personnel Records.	315
815 - Request for Change of Assignment.	323
816 - Commendations and Awards.	326
817 - Fitness for Duty.	328
818 - Lactation Breaks.	331
819 - Payroll Records.	333
820 - Overtime Compensation.	334
821 - Outside Employment.	336
822 - Work-Related Illness and Injury Reporting.	340
823 - Personal Appearance Standards.	342
824 - Dress Attire.	345
825 - Conflict of Interest.	351
826 - Badges, Patches, and Identification.	355
827 - Temporary Modified-Duty Assignments.	359
828 - Speech, Expression, and Social Networking.	362
830 - Line-of-Duty Deaths or Serious Bodily Injury.	366
831 - Part-Time (Extra Help) & Job -Share Deputy Probation Officers.	375
832 - Workplace Violence Prevention.	379
833 - Counseling Memo.	383
834 - Utility Carts.	384
Attachments.	385
FresnoCountySheriffandProbationOfficerInvolvedShooting.pdf.	386
FresnoCountySheriffandProbationOfficerInvolvedShooting.pdf.url.	387

Chapter 1 - Probation Role and Authority

Probation Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

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

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

This department does not tolerate abuse of authority.

100.3 OFFICER AUTHORITY

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

100.4 ARREST AND OTHER POWERS

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

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

100.6 ISSUED DATE

- 02/25/2020

100.6.1 REVISED DATE(S)

- 11/16/2020

Chief Probation Officer

101.1 PURPOSE AND SCOPE

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

101.2 POLICY

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

101.3 CHIEF PROBATION OFFICER REQUIREMENTS

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

101.4 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).

101.5 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).

101.6 CHIEF PROBATION OFFICER REQUIREMENTS

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

101.7 ISSUED DATE

- 02/25/2020

Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

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

102.3 OATH OF OFFICE

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

102.4 MAINTENANCE OF RECORDS

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

102.5 ISSUED DATE

- 02/25/2020

102.5.1 REVISED DATE(S)

- 11/16/2020

Policy Manual

103.1 PURPOSE AND SCOPE

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.3 AUTHORITY

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

103.4 DEFINITIONS

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

FCP - The Fresno County Probation Department.

Fresno County Probation Department

Probation Manual

Probation Manual

Policy Manual

Department - The Fresno County Probation Department.

Employee - Any person employed by the Department.

Manual - The Fresno County Probation Department Policy Manual.

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

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

- Full- and part-time employees
- Volunteers

Officer - Those employees of the Fresno County Probation Department who engage in the supervision of persons and engage in duties as determined by the Chief Probation Officer.

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

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

POST - The Commission on Peace Officer Standards and Training.

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

Shall or will - Indicates a mandatory action.

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

STC - Standards and Training for Corrections.

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

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

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

103.5 ISSUING THE POLICY MANUAL

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

Fresno County Probation Department

Probation Manual

Probation Manual

Policy Manual

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

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

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

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

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

103.8 ISSUED DATE

- 02/25/2020

Code of Ethics

104.1 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 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 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.

104.2 ISSUED DATE

- 02/25/2020

Core Values Statement

105.1 CORE VALUES STATEMENT

The Fresno County Probation Department recognizes that its mission is accomplished through the efforts of Department members. In order to achieve Department goals, the Department has established the following Core Values as a guide for members in their conduct and decisions involving co-workers, the Courts, persons under supervision, and 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 judgement
 - (e) Obey the law and uphold Department policies and procedures.
 - (f) Bring honor to the Department with proper conduct in professional and personal life.
 2. Respect
 - (a) In practice this value looks like:
 1. Accept the differences of others.
 - (a) Respect the dignity and privacy of others.
 - (b) Use good manners and speech.
 - (c) Be considerate of others' opinions and feelings.
 - (d) Deal with anger, insults, and disagreements in a constructive way.
 - (e) Avoid participating in gossip and rumors.
 - (f) Be professional and sensitive when providing services.
 3. Leadership
 - (a) In practice this value looks like:
 1. Use sound judgement in decisions.
 2. Be fair, consistent, and reasonable.
 3. Display a positive attitude.
 4. Seek to improve skills by expanding knowledge of profession.
 5. Lead by example.
 4. Teamwork

Fresno County Probation Department

Probation Manual

Probation Manual

Core Values Statement

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

105.2 ISSUED DATE

- 09/21/2020

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 POLICY

The 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. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 DIVISIONS

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

- Adult Services Division
- Adult Realignment Services Division
- Administrative Services Division
- Juvenile Services Division
- Juvenile Justice Campus - Institutions Division
- Personnel Development and Research Division

200.3.1 ADULT SERVICES DIVISION

The Adult Division is commanded by an assigned Deputy Chief, whose primary responsibility is to provide general management, direction, and control for the Adult Division.

200.3.2 ADULT REALIGNMENT SERVICES DIVISION

The Adult Realignment Division is commanded by an assigned Deputy Chief, whose primary responsibility is to provide general management, direction, and control for the Adult Realignment Division.

200.3.3 ADMINISTRATIVE SERVICES DIVISION

The Administrative Division is commanded by an assigned Deputy Chief (non-peace officer), whose primary responsibility is to provide general management, direction, and control for the Administrative Services Division.

200.3.4 JUVENILE SERVICES DIVISION

The Juvenile Division is commanded by an assigned Deputy Chief, whose primary responsibility is to provide general management, direction, and control for the Juvenile Division.

Fresno County Probation Department

Probation Manual

Probation Manual

Organizational Structure and Responsibility

200.3.5 JUVENILE JUSTICE CAMPUS - INSTITUTIONS DIVISION

The Juvenile Justice Campus institutions Division is commanded by an assigned Deputy Chief, whose primary responsibility is to provide general management, direction, and control for local Detention, Commitment, and Secure Youth Treatment Facility services.

200.3.6 PERSONNEL DEVELOPMENT AND RESEARCH DIVISION

The Personnel Development and Research Division is commanded by an assigned Deputy Chief, whose primary responsibility is to provide general management, direction, and control for the Personnel Development and Research Division.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Chief Probation Officer exercises command over all members of the Fresno County Probation Department. During periods of unavailability, the Chief Probation Officer will designate a Division Deputy Chief to serve as the acting Chief Probation Officer. In the event the Chief Probation Officer becomes incapacitated, the Fresno County Superior Court Presiding Judge will appoint an Interim Chief Probation Officer.

200.5 ISSUED DATE

- 04/06/2020

200.6 REVISED DATE(S)

- 05/27/2022

Temporary Departmental Orders

201.1 PURPOSE AND SCOPE

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

201.2 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.

201.3 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 201.5 below. Temporary Departmental Orders should be numbered consecutively and incorporate the year of issue. All members will be notified when a Temporary Departmental Order is rescinded or has been formally adopted into the Policy Manual.

201.4 RESPONSIBILITIES

201.4.1 CHIEF PROBATION OFFICER

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

201.4.2 DEPUTY CHIEFS

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.

201.5 DISTRIBUTION OF TEMPORARY DEPARTMENT ORDERS; ACCEPTANCE BY MEMBERS

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Temporary Departmental Orders

201.6 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 members employed by the Department and offer to meet and confer regarding the TDO and/or its impacts.

201.7 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.

201.8 ISSUE DATE

- 09/16/2021

Training

203.1 PURPOSE AND SCOPE

The Probation Department is committed to providing quality training for all members. Each member, manager, and trainer has a responsibility to ensure that the highest quality training is given and received. It is the responsibility of each 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.

203.2 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 members.

203.3 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.

203.4 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.

203.4.1 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)).

203.5 ANNUAL TRAINING PLAN

Per the Board of State and Community Corrections, 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.

Fresno County Probation Department

Probation Manual

Probation Manual

Training

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.

203.5.1 GOVERNMENT-MANDATED TRAINING

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

- (a) State-mandated minimum training for officers requires completion of (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.

203.6 TRAINING EXPECTATIONS

203.6.1 EXPECTATIONS OF DEPARTMENTAL MANAGEMENT

Managers and Supervisors in the Department are expected to :

- Encourage members to actively participate in training.

Fresno County Probation Department

Probation Manual

Probation Manual

Training

- Ensure 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 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 non-attentive 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 staff 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.

203.6.2 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.

203.6.3 EXPECTATIONS OF MEMBERS

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

Fresno County Probation Department

Probation Manual

Probation Manual

Training

- Members are expected to conduct themselves in an appropriate manner.
- Members are expected to respect others' ideas, opinions and questions.
- Members are expected to follow directions of the trainer and/or proctor in each class.
- Members shall wear attire to training in accordance with the Department's dress standard.
- All members unable to attend training as scheduled shall notify their supervisor as soon practicable, but no later than one hour before the start of training. Unless there are extenuating circumstances and the member is physically unable to do so.
- All members shall arrange through the supervisor or Training Assistant Deputy Chief to attend the required training on an alternate date.

203.6 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.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Training Assistant Deputy Chief. Members shall not share their password with others and shall frequently change their password to protect the security of the system. After each session, 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.

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

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

203.7 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.

203.9 ISSUED DATE

- 11/30/2020

Fresno County Probation Department

Probation Manual

Probation Manual

Training

203.10 REVISED DATE(S)

- 05/27/2022
- 04/17/2023

Electronic Mail

204.1 PURPOSE AND SCOPE

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

See Procedures Manual on Electronic Mail for further information.

- [ELECTRONIC MAIL PROCEDURES](#)

204.2 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., California Public Records Act).

204.3 PRIVACY EXPECTATION

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

204.4 RESTRICTIONS ON USE OF EMAIL

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

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

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

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Electronic Mail

204.5 EMAIL RECORD MANAGEMENT

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

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.

204.6 ISSUED DATE

- 10/07/2020

Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 POLICY

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

205.3 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.

205.4 CORRESPONDENCE

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

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

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

205.5 SURVEYS

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

205.6 OTHER COMMUNICATIONS

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).

205.7 ISSUED DATE

- 04/06/2020

Retiree Concealed Firearms

206.1 PURPOSE AND SCOPE

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

206.2 POLICY

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

206.3 AUTHORIZATION

206.3.1 AUTHORIZATION

Any qualified retired officer of this department may transport a concealed firearm across state lines under 18 USC § 926C when:

- (a) In possession of photographic identification that identifies the retiree as having been employed as a peace officer, and one of the following:
 1. An indication from the retired person's former probation agency that the retiree has, within the past year, been tested or otherwise found by the agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
 2. A certification, issued by either the state in which the retiree resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active-duty peace officers within that state, indicating that the retiree has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by state law or restricted by private entity on private property.
- (e) Has not been found by a qualified medical professional employed by the Probation Department to be unqualified for reasons relating to mental health.
- (f) Served as a law enforcement officer for at least 10 years prior to retirement.

206.4 CALIFORNIA IDENTIFICATION CARD

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

Fresno County Probation Department

Probation Manual

Probation Manual

Retiree Concealed Firearms

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

206.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

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

206.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Retiree Concealed Firearms

206.5 RETIRED OFFICER RESPONSIBILITIES

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

206.5.1 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired officer shall (Penal Code § 25475):

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

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

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

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

- (a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- (b) Prior to permanent revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first-class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
 - 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
 - 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
 - 3. Failure to submit a timely written request for a hearing shall be deemed a waiver of such right to a hearing, and the authority of the officer to carry a firearm shall be permanently revoked. The retired officer shall immediately return the identification card to the Department (Penal Code § 26315(c)).
- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department,

Fresno County Probation Department

Probation Manual

Probation Manual

Retiree Concealed Firearms

one selected by the retiree or the retiree's employee organization and one selected jointly (Penal Code § 26320).

1. The decision of such hearing board shall be binding on the Department and the retiree.
 2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender the identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege" (Penal Code § 26325(b)).
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Chief Probation Officer or the authorized designee as soon as practicable. The Chief Probation Officer or the authorized designee should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise the individual in writing of the following:
1. The retiree's concealed firearm CCW endorsement is immediately and temporarily suspended.
 2. The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
 3. The retiree will forfeit the right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
 4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Chief Probation Officer or the authorized designee should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Chief Probation Officer or the authorized designee may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.
 5. Notification of the temporary suspension should also be promptly mailed to the retiree via first-class mail, postage prepaid, return receipt requested.
 - (a) The Deputy Chief should document the investigation, the actions taken, and, if applicable, any notification made to the retired member. The memo should be forwarded to the Chief Probation Officer.

206.7 FIREARM QUALIFICATIONS

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

206.8 ISSUED DATE

- 04/06/2020

Fresno County Probation Department

Probation Manual

Probation Manual

Retiree Concealed Firearms

206.8.1 REVISED DATE(S)

- 11/16/2020

Internal Department Communication

207.1 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 member in the Department shares the responsibility for good communications.

207.2 POLICY

To help accomplish the Department's purpose and mission, communication shall occur throughout the Department to ensure the appropriate dissemination of information to members, and to provide an opportunity for Member input regarding Departmental issues and operations. While open, accurate, and timely communication exchange between 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 Members and supervisors who have a need to know.

207.3 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. 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 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. 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

Fresno County Probation Department

Probation Manual

Probation Manual

Internal Department Communication

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.

207.4 ISSUED DATE

- 09/21/2020

Training Plan

208.1 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 members, and to forecast annual funding needs for future training. By doing so, the Department will ensure its members possess the knowledge and skills necessary.

208.2 POLICY

The Training Assistant Deputy Chief shall conduct an annual training needs assessment to determine the training needs of all 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.

208.3 TRAINING ASSISTANT 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 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 and Deputy Probation Officer Core Course training within the first year of employment. Promoted Supervisors shall complete Supervisor Core within the first year of promotion.

Fresno County Probation Department

Probation Manual

Probation Manual

Training Plan

208.3.1 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)).

208.4 TRAINING RECORDS

An individual training file shall be maintained by the Training Assistant Deputy Chief or the authorized designee for each member. Training files shall contain records of all training and education (original or photocopies of available certificates, transcripts, diplomas, and other documentation) for all 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 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 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 DPO Core, PC 832, etc.

208.5 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 members.

208.5.1 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
- (b) A roster signed and dated by those in attendance

Fresno County Probation Department

Probation Manual

Probation Manual

Training Plan

- (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 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.

208.6 INDIVIDUAL RESPONSIBILITY

All 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 their supervisor as soon as possible, but no later than one hour before the start of training. Unless there are extenuating circumstances and the member is physically unable to do so.
- (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 or Dress Attire Policy.
 - 2. Members shall participate during training.
 - 3. Members shall display a professional demeanor.

208.7 ISSUED DATE

- 04/17/2023

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (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)(2)).

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

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

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

300.2 POLICY

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

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

The Fresno County Probation Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Entrusting officers with the authority to use reasonable

Fresno County Probation Department

Probation Manual

Probation Manual

Use of Force

force in the performance of their duties requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede to prevent the use of unreasonable force (Government Code § 7286 (b)(9)). An officer who observes a member use force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor (Government Code Section § 7286(b)(3)).

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

300.2.2 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)).

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer or a member use force that potentially exceeds what the officer reasonably believes to be necessary shall promptly report these observations to a supervisor as soon as feasible (Government Code § 7286(b)(3)).

300.2.4 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)).

300.2.5 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)).

300.3 USE OF FORCE

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Use of Force

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)).

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

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

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

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

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade a person to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)(1)). Such alternatives may include but are not limited to:

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

300.3.2 USE OF FORCE TO EFFECT AN ARREST

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

Fresno County Probation Department

Probation Manual

Probation Manual

Use of Force

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

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Use of Force

- (s) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting person. Officers may only apply those pain compliance techniques for which they have successfully completed Department-approved training, and only when the officer reasonably 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 the 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 person 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 person(s) involved.
- (f) The need for prompt resolution of the person(s) involved.
- (g) If time permits, other reasonable alternatives.
- (h) Whether the person can comply with the direction or orders of the officer.
- (i) Whether the person has been given sufficient opportunity to comply.

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

300.3.5 SPECIALITY ASSIGNMENTS

The Department recognizes that officers may work in partnership with other agencies, and may use levels of force and types of equipment not specifically addressed by this policy. The actions of officers assigned to those duties may be guided by extraordinary situations, special tactical considerations, and special training. However, officers in those assignments shall use only that force which is reasonable, given the facts and circumstances perceived by the officer at the scene, at the time of the event, to effectively bring the incident under control.

300.3.6 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

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

300.3.7 USE OF FORCE TO SEIZE EVIDENCE

In general, authorized officers may use reasonable force to lawfully seize evidence of a crime or a violation of supervision and to prevent its destruction.

Fresno County Probation Department

Probation Manual

Probation Manual

Use of Force

In the instance when force is used to seize evidence, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted (Government Code § 7286.5). Officers are encouraged to use techniques and methods taught by the Fresno County Probation Department for this specific purpose.

300.3.8 USE OF FORCE TO PREVENT INGESTION OF EVIDENCE

Officers shall not use force solely to prevent a person from swallowing evidence or contraband (See the Medical Aid and Response Policy).

300.3.9 USE OF FORCE AND SUICIDAL PERSONS

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

300.3.10 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).

300.3.11 POSITIONAL ASPHYXIA

Officers shall not use any restraint or transportation method which involve a substantial risk of positional asphyxia, which means situation a person 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 a person'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 person 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).

300.4 DEADLY FORCE APPLICATIONS

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Use of Force

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

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

Officers shall not use deadly force against a person based on the danger that person poses to self, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a(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 a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a(e)(2)).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.4.2 DISPLAYING OF FIREARMS

Given that 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)(20)):

- (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.

Fresno County Probation Department

Probation Manual

Probation Manual

Use of Force

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

300.5 REPORTING THE USE OF FORCE

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

300.5.1 NOTIFICATION TO SUPERVISORS

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

- (a) The application caused a visible or physical injury.
- (b) The application would lead a reasonable officer to conclude that the person may have experienced more than momentary discomfort.
- (c) The person subjected to the force complained of injury or continuing pain.
- (d) The person indicates intent to pursue litigation.
- (e) Any application of any control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains, unless a reasonable officer concludes that the person may have experienced more than momentary discomfort.
- (g) The person subjected to the force was rendered unconscious.
- (h) A person was struck or kicked.
- (i) A person alleges unreasonable force was used or that any of the above has occurred.
- (j) A firearm is directed at another person as outlined in § 300.4.2(b).

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

300.6 MEDICAL CONSIDERATIONS

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

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing

Fresno County Probation Department

Probation Manual

Probation Manual

Use of Force

pain, or who was rendered unconscious. Any person exhibiting signs of physical distress after an encounter shall be continuously monitored until medically assessed.

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

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

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

300.7 SUPERVISOR RESPONSIBILITY

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the person upon whom force was applied. If this interview is conducted without the person having voluntarily waived *Miranda* rights, the following shall apply:
 1. The content of the interview shall not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted shall be documented in a property or other report.

Fresno County Probation Department

Probation Manual

Probation Manual

Use of Force

3. 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
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 1. These photographs should be retained until all potential for civil litigation has expired and in accordance with applicable county retention policies.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the person may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor shall complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy 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 the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

See Critical Incident Review and Notification Review Policy for further information.

300.7.1 DEPUTY CHIEF RESPONSIBILITY

The Deputy Chief or the authorized designee shall review each use of force by any member within the Deputy Chief's command to ensure compliance with this policy and to address any training issues.

300.8 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)(8)).

300.9 TRAINING

Officers, investigators, and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)(16)).

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Use of Force

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant persons, and persons with physical, mental, and developmental disabilities (Government Code § 7286(b)(17)).
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

300.10 USE OF FORCE ANALYSIS

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

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

300.11 POLICY REVIEW

The Chief Probation Officer or the authorized designee shall regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)(23)).

300.12 POLICY AVAILABILITY

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

300.13 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records, and Records Maintenance and Release policies (Government Code § 7286(b)(7)).

300.14 ISSUED DATE

- 03/09/2020

300.14.1 REVISED DATE(S)

- 12/07/2020
- 03/30/2021
- 05/27/2022
- 09/23/2022

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

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

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

301.2 POLICY

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

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

301.4 REVIEW BOARD

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

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

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

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

301.4.1 COMPOSITION OF THE USE OF FORCE REVIEW BOARD

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

- Staff representative from the involved member's chain of command
- Training Assistant Deputy Chief

Fresno County Probation Department

Probation Manual

Probation Manual

Use of Force Review Boards

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

The senior-ranking staff representative who is not in the same division as the involved member shall serve as chairperson for the Use of Force Review Board. Any member who perceives a conflict with a person on the board may appeal the issue with the Chief Probation Officer.

301.4.2 RESPONSIBILITIES OF THE USE OF FORCE REVIEW BOARD

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

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

The Use of Force Review Board does not have the authority to recommend discipline.

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

No more than two designated Board members may ask questions of the involved member. Other Use of Force Review Board members may provide questions to the Use of Force Review Board members designated to ask questions of the involved member.

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

Any questioning of the involved member conducted by the Use of Force Review Board shall be in accordance with Fresno County Probation Department disciplinary procedures, the Personnel Complaints Policy, the current memorandum of understanding, Government Code §3303, and any applicable state or federal law.

The Use of Force Review Board shall make one of the following recommended findings:

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

Fresno County Probation Department

Probation Manual

Probation Manual

Use of Force Review Boards

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

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

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

301.5 ISSUED DATE

- 03/09/2020

Officer-Involved Shootings and Deaths

302.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for reporting of incidents involving the discharge of firearms, as well as the investigation of incidents in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

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

This policy is for internal use only and does not increase the Department's, the County's, or an officer's civil or criminal liability in any way.

302.2 POLICY

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

302.3 TYPES OF INVESTIGATIONS

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

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

302.3.1 CRIMINAL INVESTIGATIONS

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

302.3.2 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the Fresno County Probation Department should conduct an administrative and civil investigation of each involved officer. (See Memorandum of Understanding with Fresno County Sheriff's Office in department's case management system). [See attachment: FresnoCountySheriffandProbationOfficerInvolvedShooting.pdf](#)

302.4 INVESTIGATION PROCESS

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

302.4.1 OFFICER RESPONSIBILITIES

The officer shall, as appropriate:

- (a) Immediately request appropriate emergency medical services and render first aid if safe to do so.

Fresno County Probation Department

Probation Manual

Probation Manual

Officer-Involved Shootings and Deaths

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

302.4.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the Fresno County Probation Department supervisor should ensure completion of the duties outlined above, plus:

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

302.4.3 NOTIFICATIONS

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

- Chief Probation Officer
- District Attorney
- County Counsel
- Outside agency investigators
- Psychological personnel
- Clergy, if requested
- Involved officer's agency representative, if requested

302.4.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for individual legal representation shall be accommodated.

Fresno County Probation Department

Probation Manual

Probation Manual

Officer-Involved Shootings and Deaths

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

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

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

302.5 CRIMINAL INVESTIGATION

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

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

- (a) Fresno County Probation Department supervisors shall not participate directly in any voluntary interview of Fresno County Probation Department officers by criminal investigators. This will not prohibit supervisors from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) Any voluntary statement provided by an involved officer shall be made available for any related investigation, including administrative investigations (Lybarger or Garrity).

Fresno County Probation Department

Probation Manual

Probation Manual

Officer-Involved Shootings and Deaths

However, no administratively coerced statement shall be provided to any criminal investigators unless the officer consents.

302.5.1 REPORTS BY INVOLVED FRESNO COUNTY PROBATION DEPARTMENT OFFICERS

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

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

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

302.6 ADMINISTRATIVE INVESTIGATIONS

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

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any involved officer may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, or a valid subpoena issued by a court, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 1. If further interview of the officer is deemed necessary to determine policy compliance, the inquiry shall be limited, to new areas of questioning with minimal duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of the prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information. This interview shall be conducted in accordance with the requirements of Government Code §3303.
 1. If prior to or during the interview of an officer it is deemed that he or she may be charged with a criminal offense, he or she shall immediately be informed of his or her constitutional rights ((Government Code § 3303(h))).

Fresno County Probation Department

Probation Manual

Probation Manual

Officer-Involved Shootings and Deaths

2. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview (Government Code § 3303(d)).
3. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(i)). However, to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
4. Administrative interviews shall be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
5. The officer shall be informed of the nature of the investigation prior to any interview (Government Code § 3303(c)). If an officer refuses to answer questions, the officer shall be given *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
6. The officer under investigation shall be informed prior to the interview of the rank, name and command of the officer in charge of the interview, the interrogating officers, and all other persons to be present during the interview. All questions directed to the officer shall be asked by and through no more than two interrogators at a time (Government Code §3303(b)).
7. The officer under interview shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interview may result in punitive action. No promise of reward shall be made as an inducement to answering any question. The Department shall not cause the officer under interview to be subjected to visits by the press or news media without his or her express consent nor shall his or her home address or photograph be given to the press or news media without his or her express consent.
8. The assigned investigator shall compile all relevant information and reports necessary for the Chief Probation Officer to determine compliance with policies.
9. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings to whether there was compliance with the Use of Force Policy.
10. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

302.7 AUDIO AND VIDEO RECORDINGS

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

Fresno County Probation Department

Probation Manual

Probation Manual

Officer-Involved Shootings and Deaths

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

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

302.8 DEBRIEFING

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

302.8.1 CRITICAL INCIDENT STRESS DEBRIEFING

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

The debriefing is not part of any investigative process. Any communication made during a debriefing should not be released or repeated unless otherwise authorized by policy, law, or a valid court order.

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

302.8.2 TACTICAL DEBRIEFING

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

302.9 MEDIA RELATIONS

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

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

302.10 REPORTING

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

Fresno County Probation Department

Probation Manual

Probation Manual

Officer-Involved Shootings and Deaths

302.11 ISSUED DATE

- 03/09/2020

Firearms

303.1 PURPOSE AND SCOPE

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

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

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

303.2 POLICY

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

See Procedures Manual on Firearms for further information.

- [FIREARMS PROCEDURES](#)

303.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

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

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

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

303.3.1 HANDGUNS

The authorized department-issued handgun is the Glock 17 9mm.

303.3.2 SHOTGUNS AND RIFLES

Armed officers are authorized to carry and/or use the shotgun issued by the Department when assigned to a special task force, as a Juvenile Correctional Officer assigned to the Transportation Unit or when specifically authorized to do so by the Chief Probation Officer or the authorized designee. Officers must have completed a shotgun course of instruction approved by the Fresno County Probation Department.

Fresno County Probation Department

Probation Manual

Probation Manual

Firearms

When not deployed, shotguns and rifles shall be properly secured consistent with department training in an approved locking weapons rack/safe.

303.3.3 SHOTGUN/RIFLE DEPLOYMENT

Officers should deploy a shotgun or rifle only in circumstances when the officer can articulate a reasonable expectation that a shotgun or rifle may be needed. Officers participating on a specialized team should refer to the Task Force Policy regarding authorization for specific operations.

Examples of some general guidelines for deployment of a shotgun or rifle may include but are not limited to:

- Situations when the officer reasonably anticipates an armed encounter or an encounter with a person wearing body armor.
- Situations when an officer reasonably expects the need to meet or exceed a person's firepower or may require long-range accuracy.
- When authorized or requested by a supervisor.

See Procedures Manual on Firearms for further information.

- [FIREARMS PROCEDURES](#)

303.3.4 AUTHORIZED SECONDARY HANDGUN

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Firearms

- (h) Exceptions to this policy may only be authorized by the Chief Probation Officer or the authorized designee.

303.3.5 AMMUNITION

Officers shall carry only department-authorized ammunition. Officers shall be issued duty ammunition in the specified quantity for all department-issued firearms during the officer's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

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

303.4 EQUIPMENT

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

303.4.1 REPAIRS AND MODIFICATIONS

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

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

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

303.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by officers. Officers shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. All personally-owned holsters worn on-duty must be approved by the Rangemaster prior to use.

303.4.3 TACTICAL LIGHTS

The department-issued tactical light is considered part of the department-issued firearm and may only be removed for cleaning/maintenance purposes.

303.5 SAFE HANDLING, INSPECTION, AND STORAGE

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Firearms

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

- (c) Officers shall not clean, repair, load, or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in a safe manner or by utilizing a clearing barrel.
- (e) Officers shall not carry or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the facility or any part thereof when securing or processing an arrestee, but shall instead place all firearms in a secured location.
- (f) Officers shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm except with approval of a supervisor, or in exigent circumstances.
- (g) Any department-issued firearm authorized to be carried on- or off-duty that is determined by an officer to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service and a replacement firearm will be issued to the officer until the duty firearm is serviceable.

303.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the officer to whom the weapon is issued. The officer shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the department vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Department-owned firearms not in service shall be stored in the appropriate storage room. Shotguns and rifles shall be unloaded in a safe manner and then stored in the appropriate storage room.

303.5.2 STORAGE AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Officers shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Officers should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

303.5.3 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, officers shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently

Fresno County Probation Department

Probation Manual

Probation Manual

Firearms

affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

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

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

303.5.4 ALCOHOL AND DRUGS

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

303.6 FIREARMS TRAINING AND QUALIFICATION

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

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

303.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any officer fails to attend firearms training or qualification for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall submit notification in writing to their immediate supervisor prior to the end of the required training or qualification period.

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

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

Officers who repeatedly fail to meet minimum standards will have their firearm removed, and additional training will be provided. A Rangemaster shall notify the Chief Probation Officer or the authorized designee of any officer who fails to qualify after the third attempt on the same day.

Fresno County Probation Department

Probation Manual

Probation Manual

Firearms

303.7 FIREARMS DISCHARGE

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

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

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

303.7.1 DISPATCHING OF ANIMALS

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

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

303.7.2 WARNING AND OTHER SHOTS

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

303.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All officers attending the range will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all officers attending the range and will submit the roster to the Training Assistant Deputy Chief after each range date.

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

Fresno County Probation Department

Probation Manual

Probation Manual

Firearms

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

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

303.9 FLYING WHILE ARMED

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

- (a) Officers required to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Department-issued badge and their Fresno County Probation Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature, and the signature of the Chief Probation Officer or the official seal of the Department, and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- (c) The Fresno County Probation Department or the authorized designee must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Fresno County Probation Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (e) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (f) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of the officer's assigned seat.
- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on the officer's person at all times.

Fresno County Probation Department

Probation Manual

Probation Manual

Firearms

Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

- (h) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative, or other management representative of the air carrier.
- (i) Officers shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

303.10 ISSUED DATE

- 03/09/2020

303.10.1 REVISED DATE(S)

- 09/21/2020

Handcuffing and Restraints

304.1 PURPOSE AND SCOPE

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

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

304.2 POLICY

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

See Procedures Manual on Handcuffing and Restraints for further information.

- [HANDCUFFING AND RESTRAINTS PROCEDURES](#)

304.3 USE OF RESTRAINTS

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

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

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

304.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion on the detainee. Restraints should be removed as soon as it is determined that the detainee will not be arrested. When a detainee is restrained and released without arrest, a written report of the incident shall be made to document the details of the detention and need for restraints.

Fresno County Probation Department

Probation Manual

Probation Manual

Handcuffing and Restraints

304.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant or in recovery after delivery shall be restrained in the least restrictive manner that is effective for officer safety. Officers shall not restrain pregnant persons or persons in recovery after delivery by leg irons, waist chains, or handcuffs behind the body. Penal Code § 3407(a)

A pregnant person who is in labor, during delivery, or in recovery after delivery shall not be restrained by the wrists, ankles or both, unless a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, the officers or the public. Penal Code § 3407(b).

Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant arrestee during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary. Penal Code § 3407(c)

304.3.3 NOTIFICATIONS

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

304.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Handcuffing and Restraints

304.5 APPLICATION OF SPIT HOODS/MASKS

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

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

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

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

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

304.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

304.7 APPLICATION OF LEG RESTRAINT DEVICES

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

In determining whether to use leg restraints, officers should consider:

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

Fresno County Probation Department

Probation Manual

Probation Manual

Handcuffing and Restraints

- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at the windows of the vehicle).

304.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

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

304.8 REQUIRED DOCUMENTATION

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

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

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

304.9 TRAINING

The Training Assistant Deputy Chief should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

Fresno County Probation Department

Probation Manual

Probation Manual

Handcuffing and Restraints

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

304.10 ISSUED DATE

- 03/09/2020

Control Devices

305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

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

See Procedures Manual on Control Devices for further information.

- [CONTROL DEVICES PROCEDURES](#)

305.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

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

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

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

305.4 RESPONSIBILITIES

305.4.1 TRAINING ASSISTANT DEPUTY CHIEF RESPONSIBILITIES

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

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

305.4.2 USER RESPONSIBILITIES

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

Fresno County Probation Department

Probation Manual

Probation Manual

Control Devices

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

305.5 BATON GUIDELINES

The baton is authorized for use when, based upon the circumstances perceived by the officer, lesser force would not reasonably appear to result in the safe control of the person. The need to immediately control a person must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys, and groin should not be intentionally targeted except when the officer reasonably believes the person poses an imminent threat of serious bodily injury or death to self or others.

When carrying a baton, officers shall carry the baton in its authorized holder.

305.6 OLEORESIN CAPSICUM GUIDELINES

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

Members carrying the OC spray shall carry the device in a department-approved manner.

305.6.1 TREATMENT FOR EXPOSURE

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

305.7 POST-APPLICATION NOTICE

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

305.8 TRAINING FOR CONTROL DEVICES

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

- (a) Proficiency training shall be monitored and documented by a certified control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the member's training file.

Fresno County Probation Department

Probation Manual

Probation Manual

Control Devices

- (c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

305.9 REPORTING USE OF CONTROL DEVICES

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

305.10 ISSUED DATE

- 03/09/2020

Foot Pursuits

306.1 POLICY

Department policy is that officers shall avoid foot pursuits, unless specific and articulable exigent circumstances exist that render the pursuit necessary to ensure the safety of officers or the public. Mere flight by a person suspected of a probation violation, violation of a term of supervision, or criminal activity shall not serve as the sole justification to engage in a foot pursuit.

306.1.1 DEFINITIONS

Foot Pursuit - A foot pursuit is an attempt by an officer to follow or track on foot, a fleeing person attempting to avoid apprehension. Any additional terminology that generally describes a foot pursuit (i.e. "chasing to follow") shall be subject to the following procedures set forth in this policy.

306.2 EXIGENT CIRCUMSTANCES

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened awareness. When there are specific and articulable exigent circumstances that immediately threaten the safety of officers or the public, it may be necessary to pursue a person on foot. The safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Any officer who engages in a foot pursuit should be in attire that clearly identifies the officer as a probation/peace officer. Officers should consider reasonable alternatives to foot pursuits whenever possible.

Reasonable alternatives may include, but are not limited to, the following:

- (a) Apprehension at another time when additional information is available
- (b) Containment of the area
- (c) Requesting assistance from law enforcement agencies
- (d) Saturation of the area with additional officers

Once a foot pursuit is initiated, it is the pursuing officer's duty and responsibility to constantly conduct an on-going assessment as to whether it is reasonable to continue the foot pursuit. Early radio communication is essential from the involved officers so that adequate resources can be coordinated and deployed.

Once a foot pursuit has been initiated the following information needs to be broadcasted:

- (a) Call sign
- (b) Location and direction of travel
- (c) Reason for the foot pursuit
- (d) Number of person(s) and description
- (e) Whether the person is known to be armed

Fresno County Probation Department

Probation Manual

Probation Manual

Foot Pursuits

Officers should be mindful that radio transmissions may be difficult to understand and may need to be repeated. Once a foot pursuit terminates, the officer shall notify dispatch of their location and the status of the pursuit (i.e. person in custody, lost sight).

Involved officer(s) should consider their own abilities, experience, training, the uncertainty of their direction of travel, and/or physical limitations when determining if a pursuit is reasonable and warranted. The safety of the officer(s) involved and the safety of the public shall be paramount to any other objective.

306.3 TERMINATING FOOT PURSUITS

Justified foot pursuits should be immediately terminated if the pursuing officer loses visual of the person or if the pursuing officer is acting alone. Foot pursuits shall be terminated as directed by an acting supervisor or ranking officer, or if radio communication is not available. There are many other reasons justifying the termination of a foot pursuit, and this statement is not all-inclusive.

306.4 EXCLUSIONS

306.4.1 LINE OF SIGHT APPREHENSION

This policy does not restrict officers from apprehending persons that are within the officer's line of sight, when the officer reasonably believes the person can immediately be detained in a manner that does not expose the arresting officer(s) or the public to unnecessary danger. Officer(s) should consider the following: seriousness of the incident; nature of the violation or offense; history of the person; potential jeopardy to involved officer(s), the person and the public; availability of necessary tools and resources; and the abilities of the officer(s), experience, training, and/or physical limitations.

306.4.2 APPREHENSION WITHIN CONTAINED PERIMETER

This policy does not restrict officers from apprehending persons that are within an established containment zone. Whenever possible, a perimeter should be established to prevent a person from fleeing the contained area. An ideal perimeter ensures that officers have visual contact with the target area and the ability to communicate with assisting officers at all times.

When determining whether it is necessary to prevent a person from fleeing an established perimeter, officer(s) should consider the following: seriousness of the incident; nature of the violation or offense; history of the person; potential jeopardy to the involved officer(s), partners, the person and the public; the availability of necessary tools and resources; and the abilities of the officer(s), experience, training, and/or physical limitations.

306.5 SPECIALITY ASSIGNMENT

Officers in specialty assignments as designated by the Chief Probation Officer or the authorized designee are authorized to engage in foot pursuits in the course of their assignment whenever it is reasonably necessary to assist other peace officers or to achieve a directive or objective related to their assignment. The safety of department personnel and the public should be the primary

Fresno County Probation Department

Probation Manual

Probation Manual

Foot Pursuits

consideration when determining whether a foot pursuit should be initiated or continued. Officers should consider reasonable alternatives to foot pursuits whenever possible.

306.6 MUTUAL AID

This policy does not restrict officers from assisting law enforcement/peace officers in foot pursuits when summoned during an emergency situation. Situations may arise in which immediate assistance is requested by another peace officer, and at the time of the request, the reasons for the initiation of the foot pursuit may not be known. Assisting officers shall only assist when based on the facts and circumstances known to them at the time, they believe it reasonably necessary to provide assistance. Foot pursuits should be immediately terminated if the pursuing officer is acting alone.

306.7 REPORTING

Any officer who initiates or participates in a foot pursuit shall contact their Deputy Chief, Probation Assistant Deputy Chief, or Supervisor as soon as practical following the incident and provide a verbal report. The initiating officer shall follow-up with an Incident Report in a timely manner, to their Deputy Chief, Probation Assistant Deputy Chief, or Supervisor.

At minimum the Incident Report shall include:

- (a) The reason for initiating the foot pursuit
- (b) The identity of involved personnel
- (c) The course and approximate distance of the pursuit
- (d) Whether a person was apprehended as well as the means and methods used (any force used shall be documented accordingly)
- (e) Any injuries or property damage

Assisting officers shall follow-up with a verbal report and any necessary supplemental reports as required by their Deputy Chief, Probation Assistant Deputy Chief, or Supervisor.

306.8 EXCEPTIONS

The Chief Probation Officer or the authorized designee may for good cause, make exceptions to this policy in writing.

306.9 ISSUED DATE

- 03/09/2020

Search and Seizure

307.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Fresno County Probation Department officers to consider when dealing with search and seizure issues.

307.2 POLICY

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

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

See Procedures Manual on Search and Seizure for further information.

- [SEARCH AND SEIZURE PROCEDURES](#)

307.3 SEARCHES GENERALLY

The U.S. Constitution generally provides that a valid search warrant, executed by a neutral magistrate, is required in order for a search to be valid. There are, however, several exceptions to the rule which permit a warrantless search under certain specific circumstances.

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

- Authorization under the terms or conditions of a person's release or supervision or by statute.
- Valid consent.
- Incident to a lawful arrest.
- Vehicle searches under certain circumstances (e.g. motor vehicle exception).
- Exigent circumstances (for example, when the officers may in good faith believe they or someone within are in peril of bodily harm, or that the person to be arrested is fleeing, or attempting to destroy evidence, *Miller v. U.S.*, 357 U.C.301, 78 S.Ct.1190, (1958).

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

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each officer of this department is expected to act in each situation

Fresno County Probation Department

Probation Manual

Probation Manual

Search and Seizure

according to current training and the officer's familiarity with clearly established rights as determined by case law.

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

307.4 SEARCH PROTOCOL

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

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

307.5 DOCUMENTATION

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Search and Seizure

If a report is deemed necessary, supervisors shall review reports to ensure the reports are accurate, that actions are properly documented, and that current legal requirements and department policy have been met.

307.6 ISSUED DATE

- 03/09/2020

Canines

308.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment services in the community, including but not limited to locating narcotics and related contraband.

308.2 POLICY

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

See Procedures Manual on Canines for further information.

- [CANINE PROCEDURES](#)

308.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the department to function primarily in assist or cover assignments, field operations, agency assists, and institutional support based on the current operational needs.

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

308.4 CANINE SUPERVISOR

The canine supervisor shall be appointed by and directly responsible to the Deputy Chief or the authorized designee.

The responsibilities of the canine supervisor include but are not limited to:

- Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- Maintaining a liaison with the vendor kennel, if applicable.
- Maintaining a liaison with other department supervisors.
- Maintaining a liaison with other agency canine coordinators when needed.
- Maintaining accurate records to document canine activities.
- Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- Scheduling all canine-related activities.
- Ensuring the canine teams are scheduled for regular training to maximize their capabilities.
- Ensure that canine vehicles and all related equipment are in good working order and that necessary repairs or replacements are made.

Fresno County Probation Department

Probation Manual

Probation Manual

Canines

308.5 REQUESTS FOR CANINE TEAMS

Members are encouraged to request the use of a canine. The canine team can be arranged by contacting the canine handler directly or through the canine supervisor.

308.5.1 OUTSIDE AGENCY REQUEST

When possible, all requests for canine assistance from outside agencies should be approved by the supervisor, and are subject to the following:

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

308.5.2 PUBLIC DEMONSTRATION

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

308.6 REPORTING DEPLOYMENTS, BITES AND INJURIES

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

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

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

308.7 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who has completed their probationary period of employment.

Fresno County Probation Department

Probation Manual

Probation Manual

Canines

- (b) Residing in an adequately fenced, single-family residence (with supervisor-approved fencing and locking gates).
- (c) Having a garage that can be secured and can accommodate a canine vehicle.
- (d) Proximity to work environment may be considered when selecting a canine handler.
- (e) Agreeing to be assigned to the position for a minimum of at least five years.

308.7.1 NARCOTIC DETECTION

A canine trained in the detection of narcotic odor may be used in accordance with current law, and under certain circumstances, including:

- (a) The search of residences, vehicles, buildings, bags, and other articles.
- (b) Assisting during probation searches and search warrant service.
- (c) Obtaining a search warrant by using the narcotic-detection trained canine in support of probable cause.

A narcotic-detection trained canine should not be directed to sniff a person.

308.8 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all Department equipment under the handler's control in a clean and serviceable condition.
- (c) When not in service, the handler should maintain the canine vehicle in a locked garage, away from public view.
- (d) Handlers shall permit the canine supervisor to conduct spontaneous on-site inspections of affected areas of their homes and their canine vehicles, to verify that conditions and equipment conform to this policy. When requested, handlers shall provide a canine supervisor with any keys or codes necessary to access any area subject to inspection.
- (e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine supervisor as soon as possible.
- (f) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

Fresno County Probation Department

Probation Manual

Probation Manual

Canines

- (g) The canine should be permitted to socialize in the home with the handler's family for short periods of time only and under the direct supervision of the handler. The canine shall not be left unattended with children.
- (h) Under no circumstances will the canine be lodged at another location unless approved by the canine supervisor or Deputy Chief.
- (i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine supervisor or Deputy Chief.
- (j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine supervisor so that appropriate arrangements can be made.
- (k) Providing for 24 hour a day call-out service to probation staff and other law enforcement agencies when directed or approved by the canine team supervisor or the authorized designee.
- (l) Rendering assistance to outside agencies upon approval of the supervisor or designee.
- (m) Participating in public relations, such as demonstrations and activities within the community.
- (n) Provide for timely back-up and assistance requests from probation personnel.

308.8.1 CANINE IN PUBLIC AREAS

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

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

308.9 HANDLER COMPENSATION

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

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

308.10 CANINE INJURY AND MEDICAL CARE

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

Fresno County Probation Department

Probation Manual

Probation Manual

Canines

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

308.11 TRAINING

Before assignment in the field, each canine team shall be trained and certified. Canine teams or those canine teams trained exclusively for the detection of narcotics also shall be trained and certified to meet current POST and/or California Narcotic Canine Association (CNCA) guidelines, nationally recognized standards, or other recognized and approved certification standards established for their particular skills.

All canine training shall be conducted while on-duty unless otherwise approved by the canine supervisor or Deputy Chief.

Training is crucial to the effectiveness of the canine team and ensures field readiness of the handlers and their canines, and mitigates liability. Canine team training shall be paramount to all other duties that the canine handler might have.

308.11.1 CONTINUED TRAINING

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

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

308.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

308.11.3 TRAINING RECORDS

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

308.11.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with applicable federal and state requirements. Alternatively, the Fresno

Fresno County Probation Department

Probation Manual

Probation Manual

Canines

County Probation Department may work with outside trainers with the applicable licenses or permits.

308.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

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

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

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

308.11.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the danger of the accidental ingestion of these controlled substances by the canine or children:

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

Fresno County Probation Department

Probation Manual

Probation Manual

Canines

308.12 RETIREMENT OF THE CANINE

- (a) The determination of the suitability for service shall be made by the Canine Team supervisor and Deputy Chief, in conjunction with the input from the handler, trainer and the veterinarian. Some factors to be considered, but not limited to, will be:
1. The present performance and level of the canine.
 2. The length of time which the canine can be expected to remain serviceable.
 3. The canine's health.
- (a) If the determination has been made to retire a canine from service, the handler presently assigned to the canine will be given the opportunity to assume ownership and liability of the canine. If the present handler does not desire to assume ownership of the canine, and the canine has had a previous handler, that handler should be given the opportunity to assume ownership. Ownership of the canine may be transferred to another party if the above-mentioned alternatives are not available. It is preferable that the considered party have canine training experience.
- (b) The transfer of ownership of the canine does not include any equipment other than the installed kennel at the handler's residence, unless approved by the Canine Team supervisor or deputy chief.
- (c) Upon assuming ownership of the canine, the new owner will sign the Fresno County Assumption of Risk, Release of Liability, and Defense and Indemnification Agreement, or other related forms. The handler or new owner will present, with the release form, a personal check payable to the County of Fresno in an appropriate amount.
- (d) The canine will now be the sole responsibility of the purchasing party, and he/she will assume all liability for the actions of the canine from that point on. The County will have no responsibility for the care and maintenance of the canine once ownership has been transferred from the County.
- (e) The County will provide for the burial of all active duty probation canines. Canines will be interned at a place designated by the County.

308.13 ISSUED DATE

- 04/20/2020

Mandatory Reporting

309.1 PURPOSE AND SCOPE

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

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

309.2 POLICY

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

See Procedures Manual on Mandatory Reporting for further information.

- [MANDATORY REPORTING PROCEDURES](#)

309.3 CHILD ABUSE

309.3.1 NOTIFICATION

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

When the Fresno County Probation Department receives a report of abuse or neglect, notification shall be made to the law enforcement agency having jurisdiction and the County Welfare Office. The District Attorney's office shall also be notified in all instances of known or suspected child abuse or neglect reported to the Fresno County Probation Department (Penal Code § 11166) except for situations below:

- (a) A report of general neglect by a person who has the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision, and where there is no physical injury to the child, (Penal Code § 11165.2), shall be reported to the County Welfare Office (Penal Code § 11166(j)(1)).
- (b) A report of a positive toxicology screen at the time of the delivery of an infant, unless there is an indication of maternal substance abuse, shall only be reported to the County Welfare Office pursuant to Penal Code § 11165.13.
- (c) A report based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse shall only be made to a county welfare department (Penal Code 11165.13).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other

Fresno County Probation Department

Probation Manual

Probation Manual

Mandatory Reporting

applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code § 11166.1; Penal Code § 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person (Penal Code § 11165.6); sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); willful harm or injury to a child or endangering the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of employment as a peace officer (Penal Code 11165.6).

309.3.2 NOTIFICATION PROCEDURE

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

- (a) When the member is making an initial notification:
 - 1. Notification shall be made immediately, or as soon as practicable, by telephone.
 - 2. A written follow-up mandated [Suspected Child Abuse Report](#) shall be forwarded by fax or electronic transmission within 36 hours of receiving the information concerning the incident.
- (b) When the Fresno County Probation Department is making notification:
 - 1. Notification shall be made immediately, or as soon as practicable, by telephone, fax, or electronic transmission.
 - 2. A written report shall be forwarded by fax or electronic transmission within 36 hours of receiving the information concerning the incident.
 - 3. For cases involving the commercial sexual exploitation of a child who is receiving child welfare services, notification shall be made within 24 hours to a law enforcement agency that has jurisdiction over a case.
 - 4. For cases involving a child who is receiving child welfare services who is reasonably believed to be the victim of commercial sexual exploitation and is missing or has been abducted, notification shall be made to the appropriate law enforcement authority within 24 hours for entry into NCIC and to the National Center for Missing and Exploited Children.

309.3.3 EMERGENCY REMOVAL

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

- (a) Is in immediate need of medical care.
- (b) Is in immediate danger of physical or sexual abuse.
- (c) Is in a physical environment that poses an immediate threat to the minor's health or safety.

Fresno County Probation Department

Probation Manual

Probation Manual

Mandatory Reporting

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

309.4 ELDER AND ADULT DEPENDENT ABUSE

309.4.1 NOTIFICATION

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

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

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering, financial abuse, or neglect (Welfare and Institutions Code § 15610.07). Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30).

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

Fresno County Probation Department

Probation Manual

Probation Manual

Mandatory Reporting

309.4.2 NOTIFICATION PROCEDURE

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

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

309.5 DOCUMENTATION

In all encountered, reported, or suspected cases of abuse, members shall, after making the notifications above, document the notification and the circumstances surrounding discovery of the abuse. It will be forwarded to a supervisor and the Deputy Chief.

309.6 CONFIDENTIALITY OF REPORTS

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

309.7 ISSUED DATE

- 03/23/2020

309.7.1 REVISED DATE(S)

- 11/16/2020
- 05/27/2022

Victim and Witness Assistance

310.1 PURPOSE AND SCOPE

The Fresno County Probation Department will make every effort to protect the safety of victims, witnesses, and their rights through community supervision and advocacy efforts. The purpose of this policy is to ensure that members address victim- and witness-related issues appropriately.

310.2 POLICY

The Fresno County Probation Department recognizes the difficulties faced by victims and witnesses of crime. The Members will treat victims with dignity and compassion. The James Rowland Crime Victim Assistance Center (CVAC) is a part of the Probation Department, dedicated to serving crime victims and witnesses. The Center assists crime victims and witnesses with a number of specific services and referrals as required by law (Penal Code § 13835).

310.3 RESPONSIBILITIES

Member responsibilities include the following:

- (a) Officers preparing a pre-sentence/social study investigation report shall include, at the option of the victim or the victims family, information regarding the impact of the offense on the victim and the victim's family and any sentencing/disposition recommendations from the victim as required by California Constitution Article I § 28.
- (b) Officers who supervise a person requesting a transfer to another county shall provide written notice of the date, time, and place set for hearing on the motion to the victim, if any. (Cal. Rules of Court, Rule 4.530).
- (c) When designated by the policy established by Penal Code § 679.03(a), or if designated by the presiding judge pursuant to Penal Code § 679.03 (a), members shall inform each witness in the conviction who was threatened by the defendant following the offender's arrest and each victim or next of kin of the victim of a violent offense of their right to request and receive a release notification pursuant to Penal Code sections 3058.8 or 3605 (Penal Code § 679.03).
- (d) Members shall provide victims, or the parents or guardians of the victim if the victim is a minor, or the next of kin of the victim if the victim has died notifications with information of all proceedings concerning the person who committed the crime and their right to attend all sentencing hearings, as well as notifications concerning their rights to civil recovery against the defendant, the requirement that the court order restitution for the victim, the victim's right to receive a copy of the restitution order from the court and to enforce the restitution order as a civil judgment, the victim's responsibility to furnish the probation department, district attorney, and court with information relevant to his or her losses, and the victim's opportunity to be compensated from the Restitution Fund, if eligible, pursuant to Penal Code § 1191.1 and Penal Code § 1191.2.
- (e) Members will notify a victim of domestic violence or abuse or a victim of stalking of the offender's current community of residence or proposed community of residence upon release, when the offender, after conviction, is placed on or being released on probation pursuant to Penal Code § 1203, and under the supervision of the Probation

Fresno County Probation Department

Probation Manual

Probation Manual

Victim and Witness Assistance

Department. The above shall apply when the victim has requested notification and provided the Department with a current address for notification (Penal Code § 679.06).

310.4 VICTIM SAFETY

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

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

Officers who receive information that a victim's safety may be compromised shall act promptly on the information; this may include, reporting to the appropriate law enforcement agency or responding, when necessary. These situations shall be staffed through the appropriate chain of command.

310.5 VICTIM INFORMATION

Victim information materials may include, but are not limited to the following:

- (a) Shelters and other community resources for victims, including domestic violence and sexual assault victims.
- (b) An advisement that a person who was arrested may be released on bond, probation, or other forms of release and that the victim should not rely upon such status or supervision as a guarantee of safety.
- (c) A clear explanation of relevant court orders and how they may be obtained.
- (d) Information regarding available compensation for qualifying victims of crime.
- (e) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an adult offender's custody status and to register for automatic notification when a person is released from jail.
- (f) Notice regarding U visa and T visa application processes.
- (g) Resources available for victims of identity theft.
- (h) Victims' rights provided by California Constitution Article I section 28, Penal Code § 1191.1 and Penal Code § 1191.2:

310.6 WITNESSES

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Victim and Witness Assistance

310.7 ISSUED DATE

- 09/21/2020

310.8 REVISED DATE(S)

- 04/17/2023

Information Technology Use

311.1 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.

See Procedures Manual on Information Technology Use for further information.

- [INFORMATION TECHNOLOGY USE PROCEDURES](#)

311.1.1 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.

311.2 POLICY

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

311.3 PRIVACY EXPECTATION

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Information Technology Use

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

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

311.4 RESTRICTED USE

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

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

311.4.1 SOFTWARE

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

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software on any department computer. Any files or software that a member finds necessary to install on department computers or networks shall be installed only with the approval of department information systems technology (IT) staff 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 the information systems technology (IT) staff and with the authorization of the Chief Probation Officer or the authorized designee.

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Information Technology Use

311.4.2 HARDWARE

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

311.4.3 INTERNET USE

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

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

311.4.4 OFF-DUTY USE

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

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

311.5 PROTECTION OF SYSTEMS AND FILES

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

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Information Technology Use

311.6 INSPECTION AND REVIEW

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

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

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

311.7 SECURITY OF DATA

The Chief Probation Officer will select a 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 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.

311.8 ISSUED DATE

- 05/06/2020

Department Use of Social Media

312.1 PURPOSE AND SCOPE

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

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

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

312.1.1 DEFINITIONS

Definitions related to this policy include:

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

312.2 POLICY

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

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

312.3 AUTHORIZED USERS

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

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

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

312.4 AUTHORIZED CONTENT

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

Examples of appropriate content include:

Fresno County Probation Department

Probation Manual

Probation Manual

Department Use of Social Media

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

312.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy, and frequent updates are paramount, the Chief Probation Officer or the authorized designee will be responsible for the compilation of information to be released. (see Media Relations Policy),

312.5 PROHIBITED CONTENT

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

- (a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- (c) Any information that could compromise an investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the Fresno County Probation Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, persons, or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.
- (h) A juvenile (picture, name, etc.) without parental/guardian consent.

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

Fresno County Probation Department

Probation Manual

Probation Manual

Department Use of Social Media

312.5.1 PUBLIC POSTING PROHIBITED

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

312.6 MONITORING CONTENT

The Chief Probation Officer will appoint a supervisor to review the use of department social media account(s).

312.7 RETENTION OF RECORDS

The Chief Probation Officer will appoint a supervisor to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

312.8 TRAINING

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

312.9 ISSUED DATE

- 04/06/2020

Report Writing

313.1 PURPOSE AND SCOPE

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

313.2 POLICY

It is the policy of the Fresno County Probation Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to support recommendations to the court, capture general incidents, prepare evaluations, prepare statistical reports, and prepare other reports as directed.

313.3 EXPEDITIOUS REPORTING

Incomplete reports, disorganized reports, or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to statutory and established expectations.

313.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. Members are responsible for completing and submitting all reports as required by established deadlines unless permission to exceed the deadline has been approved by a supervisor.

Members shall not suppress, conceal, or distort the facts of any reported incident, nor shall any member make a false report orally or in writing.

313.4.1 ELECTRONIC SIGNATURES

The Fresno County Probation Department has established an electronic signature procedure for use by all members of the Fresno County Probation Department. The IT Manager or the authorized designee shall be responsible for maintaining the electronic signature system, ensuring that each member creates a unique, electronic signature. The Information Technology Manager or the authorized designee shall be responsible in ensuring that the use of electronic signatures otherwise complies with the law (Government Code § 16.5):

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

313.4.2 NOTATION OF INFORMATION RECEIVED FROM THIRD PARTIES

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

Fresno County Probation Department

Probation Manual

Probation Manual

Report Writing

313.5 ADULT REQUIRED REPORTING

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

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

313.5.1 REPORTS TO THE COURT

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

- (a) A pretrial diversion report, if requested by the court, as to the suitability of a person for pretrial diversion (Penal Code § 1000.1(5)(b)).
- (b) A presentence report/ supplemental report upon referral of a felony or misdemeanor conviction from the court (Penal Code § 1203).
 1. The report shall include a recommendation of whether the person is eligible to be granted probation and recommended conditions of probation, if granted (Penal Code § 1203).
 2. The report shall be consistent with the requirements of Penal Code 1203 and Court Rule 4.411.5.
- (c) A conduct and worktime credit estimate to be included in the sentencing and filed with the court at the time of sentencing (Penal Code § 1191.3).
 1. The estimate shall also be provided to the victim by the member.
- (d) A domestic violence report if a person has been granted probation for a violation of the domestic violence code (Penal Code § 1203.097(b)).
- (e) A review/violation of probation report if a person has been granted probation and has failed to follow the orders of the court or is not in compliance (Penal Code § 1203.097).

313.5.2 CRIMINAL ACTIVITY AND VIOLATION CONDUCT

When a member becomes or is made aware of an activity where a crime or violation of probation or supervised release (MS/PRCS), or DJJ Re-entry Supervision, has occurred, the member shall document the incident.

Activity to be documented in an incident report, chronological entry, and/or arrest report includes:

- (a) All arrests.
- (b) All felony and misdemeanor crimes.
- (c) Non-felony criminal incidents involving threats or stalking behavior.
- (d) Situations covered by the Use of Force Policy.
- (e) All violations of probation or supervised release (MS/PRCS); or DJJ Re-entry Supervision.

313.5.3 NON-CRIMINAL ACTIVITY AND NON-VIOLATION CONDUCT

Non-criminal activity to be documented includes:

Fresno County Probation Department

Probation Manual

Probation Manual

Report Writing

- (a) Any found property or found evidence.
- (b) All protective custody and welfare detentions.
- (c) Any time a person is reported missing, regardless of jurisdiction.
- (d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (e) Suspicious incidents that may place the public or others at risk.
- (f) Any use of force by a member against any person (see the Use of Force Policy).
- (g) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

313.5.4 MISCELLANEOUS INJURIES

Any alleged injury reported to this department about a person under immediate supervision shall require documentation or an incident report of the following types of injuries, which is not intended to be all-inclusive :

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

313.6 JUVENILE REPORTING

Members may be required to complete reports relating to juveniles. Members shall complete reports consistent with the appropriate departmental forms and reporting methods, unless otherwise approved by a supervisor. The reports referenced herein are not intended to be all-inclusive.

313.6.1 SOCIAL STUDY REPORT

- (a) Officers shall prepare and file with the court a social study, prepared pursuant to Welfare and Institutions Code § 280 and Rules of Court 5.785 for non-placement disposition recommendations. Types of reports may include Standard Disposition, Deferred Entry of Judgement Suitability or Review, Violation of Probation, Transfer Report (Prop 57), and Welfare and Institutions Code § 241.1 Staffing Report.
- (b) Members shall prepare and file with the court a social study, prepared pursuant to the requirements of Welfare and Institutions Code § 706.5, (Welfare and Institutions Code § 727.4), when recommending out-of-home placement. Permanency (Pre-Permanency, Permanency and Post-Permanency) hearing periodic reports will be submitted as follows:
 1. At least 10 days before a permanency hearing held pursuant to Welfare and Institutions Code § 727.3.

Fresno County Probation Department

Probation Manual

Probation Manual

Report Writing

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

313.6.2 ADDITIONAL REPORTS

Officers shall also prepare and file with the court written reports and recommendations as requested by the court with regard to custody, status, or welfare of a minor. Reports shall be prepared consistent with the requirements of Welfare and Institutions Code § 281. See Initial and Post-Sentence Intake with Probation Services.

313.7 COUNTY PERSONNEL OR PROPERTY

Incidents involving County personnel or property may require a report (refer to Fresno County Human Resources case management system for the reporting procedures regarding the particular incident) when:

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

313.8 REVIEW AND CORRECTIONS

Supervisors or the authorized designee shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor or the authorized designee should advise of the corrections needed and return to the author for corrections. If time constraints do not permit return of the report for immediate corrections, the designee should make the necessary corrections and review with the author as practical.

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

313.8.1 CHANGES AND ALTERATIONS

Court reports that have been approved by a supervisor or the authorized designee and submitted for e-filing and distribution shall not be modified or altered except by way of a supplemental report.

313.9 CONFLICT OF INTEREST

To maintain the integrity of Department recommendations and actions, members shall not handle the cases of individual(s) who are relatives, friends, business associates, or are people they know on a personal basis. If members become aware of any of their own or another member's relatives or personal friends or associates being referred to the Department, whether as a person or victim, this information shall be communicated at the earliest time possible to the member's immediate supervisor or the authorized designee. It will be the responsibility of the supervisor and/or the authorized designee to communicate this information to Executive Council and, in turn, Executive Council will review the situation for a potential conflict of interest and determine the manner in which the case is to be handled.

Fresno County Probation Department

Probation Manual

Probation Manual

Report Writing

313.10 ISSUED DATE

- 10/07/2020

Media Relations

314.1 PURPOSE AND SCOPE

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

314.2 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.

314.3 RESPONSIBILITIES

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

314.4 PROVIDING ADVANCE INFORMATION

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

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

314.5 MEDIA REQUESTS

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Media Relations

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

314.6 CONFIDENTIAL OR RESTRICTED INFORMATION

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

314.6.1 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 filed.

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

314.7 RELEASE OF INFORMATION

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

314.8 ISSUED DATE

- 04/20/2020

Outside Agency Assistance

315.1 PURPOSE AND SCOPE

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

315.2 POLICY

It is the policy of the Fresno County Probation Department to respond to requests for mutual aid or assistance by law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department. Pre-planned operations with multiple law enforcement agencies shall be approved by the Chief Probation Officer or the authorized designee.

315.3 ASSISTING OUTSIDE AGENCIES

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

Officers who respond to a request for assistance shall notify a supervisor of their activity as soon as practicable.

315.3.1 EMERGENCY ASSISTANCE

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

315.4 REQUESTING OUTSIDE ASSISTANCE

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

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

315.5 REPORTING REQUIREMENTS

Incidents of outside assistance shall be documented in a general case report or as directed by the Deputy Chief.

315.6 SHARED EQUIPMENT AND SUPPLIES

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

The plan should include:

Fresno County Probation Department

Probation Manual

Probation Manual

Outside Agency Assistance

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

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

The Training Assistant Deputy Chief should see that appropriate members have received the required training on the plan.

315.7 ISSUED DATE

- 04/20/2020

Major Incident Notification

316.1 PURPOSE AND SCOPE

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

316.2 POLICY

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

It is important that communication proceed upward through the department chain of command whenever possible; however, unavailability of any individual within the chain of command should not delay important information from reaching the Chief Probation Officer.

Notification should be initiated upon receiving factual information pertaining to a reportable incident. Any member who becomes aware of any incidents or situations as described in this policy is responsible for the implementation of this notification procedure.

316.3 CRITERIA FOR NOTIFICATION

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Major Incident Notification

- Any other incident that has attracted or is likely to attract significant media attention

316.4 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief is responsible for making the appropriate notifications. The Deputy Chief shall make reasonable attempts to obtain as much information on the incident as possible before notification and shall attempt to make the notifications as soon as practicable.

316.4.1 CHIEF PROBATION OFFICER NOTIFICATION

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

316.4.2 INVESTIGATOR NOTIFICATION

The Chief Probation Officer or the authorized designee shall be notified and will then assign the appropriate investigator.

316.4.3 MEDIA RELATIONS

The Chief Probation Officer or the authorized designee assigned will respond to requests for information if it appears the media may have a significant interest in the incident.

316.5 ISSUED DATE

- 10/07/2020

Biological Samples

319.1 PURPOSE AND SCOPE

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

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

319.2 POLICY

The Fresno County Probation Department will assist in the collection of required biological samples from persons on supervision in accordance with the laws of this state, including out-of-state transfer cases.

319.3 INDIVIDUALS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following individuals who are on probation or under supervision for any felony or misdemeanor offense are required by California law to submit a biological sample to a member of the Fresno County Probation Department if the individual has a prior felony conviction or adjudication, including a conviction or adjudication for an equivalent out-of-state offense (Penal Code § 296 and 296.1):

- (a) Persons subject to supervision to include:
 1. Persons subject to post-release community supervision and
 2. Persons subject to mandatory supervision.

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

319.4 PROCEDURE

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

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

Fresno County Probation Department

Probation Manual

Probation Manual

Biological Samples

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

319.5 REFUSAL TO PROVIDE SAMPLE PROCESS

If a person refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance.

Methods to consider when seeking voluntary compliance include:

- (a) Communicating the possible consequences of a refusal.
- (b) Contacting the District Attorney to seek additional charges against the individual for failure to comply pursuant to Penal Code § 298.1 or bring the refusal before the appropriate court.
- (c) Notifying the court at the person's next court appearance, if any.
- (d) Contacting the person's attorney, if known.
- (e) Filing a violation report pursuant to the Violations Policy.

A Supervisor shall review and approve any plan to use additional actions to compel a sample. Both the member and the Supervisor should document the person's refusal to submit a sample and the steps taken in any attempt to obtain voluntary compliance.

319.6 BLOOD SAMPLES

A blood sample should only be obtained under this policy when (Penal Code § 295; Penal Code § 298):

- (a) The California DOJ requests a blood sample and the subject consents.
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically-approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298).

Fresno County Probation Department

Probation Manual

Probation Manual

Biological Samples

319.7 TRAINING

The department may provide periodic training to officers on this policy.

319.8 ISSUED DATE

- 09/21/2020

Child and Dependent Adult Safety

320.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are provided appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

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

320.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children and dependent adults may have when their parent or caregiver is arrested. The Fresno County Probation Department will endeavor to create a strong, cooperative relationship with local, state, and community-based social services agencies to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

320.3 PROCEDURES DURING AN ARREST

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

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider asking witnesses, neighbors, friends, and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian, or caregiver in the presence of a child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that appropriate care will be provided.

320.3.1 AFTER AN ARREST

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

Fresno County Probation Department

Probation Manual

Probation Manual

Child and Dependent Adult Safety

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases, the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use the person's phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence that it would not be in the child or dependent adult's best interest (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends who the child or dependent adult knows and trusts because familiarity with surroundings and consideration for comfort, emotional state, and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian, or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Adult Protective Services, if appropriate.
- (e) Notify the supervisor or Deputy Chief of the disposition of children or dependent adults.
- (f) Local records check of adult that will be responsible to care for the child if not the parent, guardian, or primary caregiver.

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

320.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make telephone calls to arrange for the care of any child or dependent adult.

If an arrestee is unable to arrange for the care of any child or dependent adult through this process, or circumstances prevent them from making such arrangements (e.g., their behavior prevents reasonable accommodations for making necessary calls), a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county, or state services agency.

Fresno County Probation Department

Probation Manual

Probation Manual

Child and Dependent Adult Safety

320.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
1. Name
 2. Sex
 3. Age
 4. Special needs (e.g., medical, mental health)
 5. How, where, and with whom or which agency the child was placed
 6. Identities and contact information for other potential caregivers
 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
1. Name
 2. Sex
 3. Age
 4. Whether the person reasonably appears able to engage in self-care
 5. Disposition or placement information if the person is unable to engage in self-care

320.3.4 SUPPORT AND COUNSELING REFERRAL

If the handling officers believe the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate, or a crisis response telephone number, they should provide appropriate referral information.

320.3.5 SELF-SURRENDER

If an officer allows a person to self-surrender, the officer should, where practicable, allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate.

320.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service agency to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the Probation facility, transported in accordance with child safety laws in a marked law enforcement vehicle, or taken into formal protective custody.

Fresno County Probation Department

Probation Manual

Probation Manual

Child and Dependent Adult Safety

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

320.5 TRAINING

The Training Assistant Deputy Chief is responsible for ensuring that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian, or caregiver is arrested.

320.6 ISSUED DATE

- 03/23/2020

Service Animals

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

321.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks to benefit an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

321.2 POLICY

It is the policy of the Fresno County Probation Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

321.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including, but not limited to:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.

Fresno County Probation Department

Probation Manual

Probation Manual

Service Animals

- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.
- Alerting and assisting a person during a seizure.
- Alerting persons to the presence of allergens.

321.4 MEMBER RESPONSIBILITIES

Service animals assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Fresno County Probation Department affords to all members of the public (28 CFR 35.136).

321.4.1 INQUIRY

If it is apparent or if a member knows that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What work or task has the service animal been trained to perform?

If the person explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about the disability nor should the person be asked to provide any license, certification, or identification card for the service animal.

321.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

321.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services

Fresno County Probation Department

Probation Manual

Probation Manual

Service Animals

that are reasonably available to an individual with a disability, with or without a service animal (28 CFR 35.136(c)).

321.5 ISSUED DATE

- 04/06/2020

Vendors, Volunteers and Student Interns

322.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Fresno County Probation Department vendors, volunteers and student interns to supplement and assist department personnel in their duties. Vendors and volunteers are members who can augment department personnel and help complete various tasks.

322.1.1 DEFINITIONS

Definitions related to this policy include:

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.

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

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

322.2 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.

322.3 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 work.
- (c) No conviction of 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.

Fresno County Probation Department

Probation Manual

Probation Manual

Vendors, Volunteers and Student Interns

322.4 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.

322.4.1 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 by interested department 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 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.

322.4.2 SELECTION

Vendor, volunteer, and student intern candidates shall successfully complete the following process prior to 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.

322.4.3 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.

322.5 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 the Personal Appearance Standards Policy, unless specifically excluded by the Department.

Fresno County Probation Department

Probation Manual

Probation Manual

Vendors, Volunteers and Student Interns

Vendors, 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 "Vendor," "Volunteer," or "Student Intern" will be indicated on the cards.

322.6 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 in such a way that would violate employment laws, collective bargaining agreements, or memorandums of understanding (e.g., a probation technician participating as a student intern for reduced or no pay). Therefore, members shall consult with the Personnel Unit prior to allowing regular department personnel to serve in a student intern capacity (29 CFR 553.30).

322.7 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 and selecting qualified volunteers and student interns.
- (b) Maintaining records for each vendor, volunteer, and student intern.
- (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 institution.

322.8 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.

322.8.1 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 available to each vendor, volunteer, and student intern upon appointment. The vendor, volunteer, and student intern shall review and become thoroughly familiar with these policies as directed by the Chief Probation Officer or the authorized designee.

Fresno County Probation Department

Probation Manual

Probation Manual

Vendors, Volunteers and Student Interns

Whenever a rule, regulation, or guideline in this Policy Manual refers to regular department personnel, it shall also apply to a vendor, volunteer, and student intern, unless by its nature it is inapplicable.

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

322.9 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. The training should correspond to the assignment.

Vendors, volunteers, and student interns shall be provided with the policies of the Department and probation procedures applicable to their assignments.

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

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

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

322.10 SUPERVISION

Each vendor, volunteer, and student intern must have a clearly identified supervisor who is responsible for direct management of that individual. This supervisor will be responsible for day-to-day management and guidance of the work of the 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 members on all levels.
- (b) Ensure vendors, volunteers, and student interns have workspace and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give vendors, volunteers, and student interns an assignment or task that will utilize these valuable resources.
- (d) Ensure the work for student interns meets the needs of their educational program, while also meeting the needs of the Department.

Fresno County Probation Department

Probation Manual

Probation Manual

Vendors, Volunteers and Student Interns

322.10.1 EVALUATIONS

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

322.10.2 FITNESS FOR DUTY

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

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

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

322.11 INFORMATION ACCESS

With appropriate security clearance, a vendor, volunteer, or student intern may 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 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 and have the fingerprints submitted to the California Department of Justice to obtain clearance. Vendors, volunteers, or 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.

322.11.1 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.

Fresno County Probation Department

Probation Manual

Probation Manual

Vendors, Volunteers and Student Interns

322.12 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.

322.13 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.

322.14 ISSUED DATE

- 11/30/2020

Off-Duty Law Enforcement Actions

323.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the Fresno County Probation Department with respect to taking law enforcement action while off-duty.

323.2 POLICY

It is the policy of the Fresno County Probation Department that officers generally should not exercise their authority while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider recording the activity for the purpose of completing a report to be forwarded at a later time. However, any officer with authority to arrest who becomes aware of an incident or circumstance that the officer reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss, may take reasonable action to minimize or eliminate the threat.

323.3 DECISION TO INTERVENE (OFFICERS)

There is no legal requirement for off-duty probation officers to exercise their authority. Officers should wait for on-duty uniformed law enforcement personnel to arrive instead of immediately taking action and, while waiting, gather as much information as possible. However, if an officer does take action, the officer must evaluate whether the action is necessary or desirable, and should take into consideration:

- (a) The potential to be misidentified by other law enforcement personnel.
- (b) The potential to be misidentified by members of the public, who may be armed or who may take action.
- (c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.
- (d) Limited off-duty firearms capabilities and ammunition.
- (e) The inability to communicate with responding law enforcement personnel.
- (f) The lack of equipment, such as body armor, handcuffs, or control devices.
- (g) Unfamiliarity with the surroundings, including escape routes.
- (h) The potential for increased risk to bystanders by confronting a suspect or taking action.

323.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance and give the dispatcher a description of the off-duty probation officer for broadcast to responding law enforcement personnel.

Whenever practicable, the officer should loudly and repeatedly identify as an officer with the Fresno County Probation Department until acknowledged. Official identification should also be displayed when possible.

Fresno County Probation Department

Probation Manual

Probation Manual

Off-Duty Law Enforcement Actions

323.4 NON-OFFICER RESPONSIBILITIES

Members who are not officers should not become involved in any law enforcement action while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

323.4.1 INCIDENTS OF PERSONAL INTEREST

Department members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, members should call the responsible law enforcement agency to handle the matter.

323.5 REPORTING

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the officer shall notify the agency as soon as reasonably practicable. Officers shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Officers shall notify a supervisor regarding any law enforcement action taken as a probation officer while off-duty. The supervisor may respond to the location.

The supervisor shall determine whether a crime report or an administrative report should be completed by the involved officer.

323.6 ISSUED DATE

- 04/06/2020

Community Relations

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Suspicious Activity Reporting Policy.

324.2 POLICY

It is the policy of the Fresno County Probation Department to promote positive relationships between Department members and the community. This is accomplished by treating community members with dignity and respect, engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

See Procedures Manual on Community Relations for further information.

[Community Relations Procedures](#)

324.3 MEMBER RESPONSIBILITIES

Members should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships.
- (b) Become reasonably familiar with the schools, businesses, community treatment programs, service providers, and faith-based organizations.
- (c) Work with community members and the community engagement committee to identify issues and attempt to address problems related to community relations and public safety.
- (d) Members who desire authorization to represent the department in community activities during working hours or after normal work hours must obtain approval from their supervisor.

324.4 COMMUNITY ENGAGEMENT COMMITTEE

The community engagement committee will report directly to the Deputy Chief responsible for oversight of the community engagement committee and is responsible for:

- (a) Responding to requests from members and the community for assistance in identifying issues and solving problems related to community relations.
- (b) Working with community groups, members, and other community resources:

Fresno County Probation Department

Probation Manual

Probation Manual

Community Relations

1. Organizing programs and activities that help build positive relationships between members and the community and providing community with an improved understanding of department operations.
 - (c) Working with all of the divisions to develop opportunities that allow members the time to participate in community engagement activities.
 - (d) Recognizing Department and community for exceptional work or performance in community relations efforts.
 - (e) Attending community meetings to obtain information on community relations needs.
 - (f) Informing the Chief Probation Officer or the authorized designee and others of developments and needs related to the furtherance of the Department's community relations goals, as appropriate.

324.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations committee should organize or assist with programs and activities that create opportunities for members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Probation-community get-togethers (e.g., cookouts, meals, charity events).
- (b) Youth leadership and life skills mentoring.

324.6 INFORMATION SHARING

The community engagement committee should work with the department and County Public Information Officers to develop methods and procedures for the sharing of information between the Department and community. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.
- (d) Media outlets (e.g., television, radio, periodicals)

Information should be regularly refreshed to inform and engage the community continuously.

324.7 PROBATION DEPARTMENT OPERATIONS EDUCATION

The community engagement committee should develop methods to educate the community on general probation Department operations. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to schools and community organizations.
- (d) Department ride-alongs (see the Ride-Alongs Policy).
- (e) Student internships at the Department.

Fresno County Probation Department

Probation Manual

Probation Manual

Community Relations

324.8 REVISED DATE

- 04/20/2020

Critical Incident Review and Notification

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide consistent and complete review of the circumstances surrounding critical incidents to ensure that its members(s) used appropriate techniques and acted within the law and department policy, to identify training needs or necessary changes to enhance the safety of members, to ensure that members have the knowledge and skills to properly handle the incidents they encounter, and to reduce the number of future incidents, if possible.

325.2 POLICY

It shall be the policy of the Fresno County Probation Department to investigate and review the following incidents from a Critical Incident perspective.

- (a) Use of Force: Chemical agents, bodily force and impact weapons used on another person (Use of Force Evaluation Report).
- (b) Forcible Entry: Any forced entry into a premises or building when there is refusal by the occupants (see Search and Seizure procedures). (Use Forcible Entry Evaluation Report).
- (c) Major Injury While on Scene: Any incident in which a person requires emergency medical treatment for any injury occurring while Probation Department personnel were on-scene, and the injury or need for medical treatment was not due to forcible entry or use of force by an officer (Use Major Injury Evaluation Report).
- (d) Injury Caused by Probation Department Personnel: Any injury directly or indirectly caused by Probation Department member (Use Major Injury Evaluation Report).
- (e) Injury Caused by Probation Department Canine: Any injury directly or indirectly caused by a canine while on or off-duty. This includes accidental or intentional bites on any person or animal, or any other type of injury resulting from an action by the canine (Use Canine Evaluation Report)
- (f) Where the Chief Probation Officer or the authorized designee determines it is necessary.

325.3 PROCEDURE

325.3.1 MEMBER

It shall be the responsibility of the member(s) involved in an occurrence, which may be considered a critical incident, to immediately notify their supervisor. The member involved shall document the incident in an Incident Report and prepare any required supplemental reports. However, there may be times when a member will be interviewed by law enforcement regarding a critical incident via an electronic device, which may constitute their written report.

325.3.2 SUPERVISOR/ASSISTANT DEPUTY CHIEF (ADC)

The Supervisor/ADC shall respond to the scene of all critical incidents reported. The supervisor shall assess the incident, conduct an investigation ensuring that any witnesses to the incident

Fresno County Probation Department

Probation Manual

Probation Manual

Critical Incident Review and Notification

are interviewed, and that all evidence is collected and retained. The Supervisor/ADC shall prepare a Critical Incident Investigation/Review Report, using the appropriate report form and the appropriate supplementary evaluation report for the type of incident subject to review. The Supervisor/ADC shall provide an Executive Council member with the following information: case number, date of occurrence, name of Supervisor/ADC, names of members involved, and the type of critical incident.

The Critical Incident Investigation/Review Report shall include applicable laws, department policies, and techniques specific to the incident, as well as an assessment of whether the member(s) acted within the law, and policy, and used appropriate techniques. The Supervisor/ADC shall also identify any training issues, and recommend when appropriate any training needs. When appropriate, Supervisor/ADC shall document whether the training needs were addressed with the involved member(s).

The Supervisor/ADC shall gather all reports related to the incident, including those prepared by any other agency(s) and submit them to the appropriate Deputy Chief.

The Critical Incident Investigation/Review Report shall not include disciplinary recommendations.

325.3.3 DIVISION DEPUTY CHIEF

The Division Deputy Chief shall gather all reports related to the incident, including those of other agency(s) if made available.

The Division Deputy Chief shall review the Critical Incident Investigation/Review Report for completeness, accuracy, and consistency, and determine if actions taken were within policy.

The Division Deputy Chief shall ensure that witnesses to the incident were interviewed, evidence was collected and retained, appropriate photos were taken, and appropriate tapes, radio, audio, or video, are preserved. The Division Deputy Chief shall identify all training needs as part of the review process, if applicable, and make other non-disciplinary recommendations deemed appropriate.

The Division Deputy Chief shall document the review on the appropriate Critical Incident Review Evaluation forms, and include if and how identified training needs have been satisfied at the Division level. Upon completion, the review package shall be forwarded by the Division Deputy Chief to the Chief Probation Officer as soon as possible.

325.4 ISSUED DATE

- 03/23/2020

Department Notification

326.1 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 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 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.

NOTIFICATION OF DEPARTMENTAL ADMINISTRATION

- (a) Immediate Notification (Regardless of Hour)
 - 1. The Chief Probation Officer and the appropriate member of Executive Council shall be notified, regardless of the hour, when:
 - (a) A Departmental 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 member dies, or is seriously injured.
 - (d) There are major disturbances within the Juvenile Justice Campus
 - (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) 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.

Fresno County Probation Department

Probation Manual

Probation Manual

Department Notification

(c) Institution Notification

1. The Director(s) of the Juvenile Justice Campus or the Probation Services Manager(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.

326.2 RESPONSIBILITY

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

326.3 ISSUED DATE

- 10/07/2020

Internasal Naloxone Administration

327.1 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.

327.2 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 Fresno County Department of Public Health.

327.3 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.

327.4 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 authorized designees, shall authorize select peace officer staff 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
- (d) How to administer an opioid antagonist.

Fresno County Probation Department

Probation Manual

Probation Manual

Internasal Naloxone Administration

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.

327.5 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 to Fentanyl AND signs and symptoms of an opiate overdose.

Contraindications

- (a) Allergy to naloxone.

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

Fresno County Probation Department

Probation Manual

Probation Manual

Internasal Naloxone Administration

- (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 vomiting.
- (h) Notify transporting EMS personnel of administration of naloxone.
- (i) As directed by the manufacturer.

327.7 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.

327.8 DATA COLLECTION AND REPORTING

- (a) Department staff 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 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 Probation Incident Report(s) to each administering officer's supervisor in a timely manner. The IR shall indicate what time the naloxone was administered and how much and any other details surrounding the incident.

327.9 ISSUED DATE

- 10/07/2020

327.10 REVISED DATE(S)

- 04/17/2023

Chapter 4 - Intake, Orientation, and Supervision

Initial and Post Sentence Intake with Probation Services

400.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Fresno County Probation Department's initial intake.

400.2 POLICY

The Fresno County Probation Department will engage in an initial process in an effort to facilitate fair and appropriate custodial recommendations and/or supervision of persons.

400.3 POST SENTENCE INTAKE TO SUPERVISION

The Chief Probation Officer or the authorized designee should develop and maintain a standard intake process with appropriate forms and checklists to assist officers in their supervision of assigned persons based on supervision levels as directed by the department.

The intake process shall include, but is not limited to:

- (a) Performing an intake interview or interviews as soon practicable, based on staffing levels and/or mandated requirements:
 - 1. The intake interview shall be completed as soon as practicable, after the person's release from custody or initial report to the Fresno County Probation Department.
- (b) Documenting relevant information about the person, such as:
 - 1. Personal information including name, address, and contact information.
 - 2. Current employment and relevant employment history.
 - 3. Family information.
 - 4. Criminal/Delinquency history.
 - 5. Any substance abuse, medical/mental health, and treatment information and/or history.
 - 6. Potential safety issues for officers and staff (e.g., weapons, dangerous animals within the home, family members who may present a threat)
 - 7. Relevant victim information, criminal protective orders, and restraining orders.
- (c) Completing any appropriate and/or mandated risk and needs assessment(s) and scheduling appropriate review with the person as set forth in the Risk and Needs Assessments Policy.
- (d) Complete any appropriate and/or mandated federal or state assessments, as directed by the Chief Probation Officer.
- (e) Providing the person with an overview of what to expect while being supervised and any of the following as applicable:
 - 1. A copy of court-ordered conditions of supervision

Fresno County Probation Department

Probation Manual

Probation Manual

Initial and Post Sentence Intake with Probation Services

2. Applicable resources regarding any court-ordered programs, community referrals, or other resources pertaining to the conditions of probation
3. Explanations of any financial obligations (e.g., court-ordered restitution, fines, fees)
4. Applicable registration requirements (e.g., gang (Penal Code § 186.31), arson (Penal Code § 457.1), sex offenders (Penal Code § 290.017; Penal Code § 290.85))
5. Documenting receipt of orientation and other materials by person under supervision within the Department's data management system.

400.4 JUVENILE INTAKE TO SERVICES

400.4.1 JUVENILE INTAKE OFFICERS

The Chief Probation Officer shall designate officers to act as juvenile intake officers who will be trained in established juvenile intake procedures and serve as first-line staff for juvenile intake services.

400.4.2 JUVENILE INTAKE

The Chief Probation Officer or the authorized designee shall develop and maintain a standard intake process with appropriate forms and checklists to assist juvenile intake officers with the intake for services of juveniles who are booked into custody or are cited for a law violation and are referred to Probation.

The intake process shall include but is not limited to:

- (a) Performing an intake interview with the parent/s, legal guardian, or care provider to determine next steps. This intake process shall all include intake procedures for juveniles who are out of custody, along with investigation, and release or placement procedures pursuant to Welfare and Institutions Code § 628. Welfare and Institutions Code § 727; Welfare and Institutions Code § 727.05). In addition to considering the intake process, as described in Out of Custody Juvenile Intake, Deputy Probation Officers assessing the status of a juvenile who has been booked into custody shall:
 1. Review booking information.
 2. Review pertinent reports from law enforcement.
 3. Consider custodial status and whether custody is appropriate, including whether the juvenile is a dependent minor.
 4. Consider whether filing with the prosecuting attorney is appropriate.
 5. Inquire as to the status of each juvenile as an Indian child within the meaning of Welfare and Institutions Code 224.3.
- (b) Document relevant information about the juvenile including but not limited to:
 1. Verifying personal information including name, address, and contact information
 2. Current employment and relevant employment history, if applicable

Fresno County Probation Department

Probation Manual

Probation Manual

Initial and Post Sentence Intake with Probation Services

3. Family information, including siblings, parental custody situation, and known criminal history of parents and adults residing within the residence
 4. Delinquent history information
 5. Child welfare history, including any allegations of abuse or neglect and outcomes of these allegations
 6. School information, including grades, attendance, and behavior
 7. Any substance abuse, mental health, medical, and treatment information
 8. Potential safety issues for officers and staff (e.g., weapons, dangerous animals within the home, family members who may present a threat)
 9. Review and consider any appropriate and/or mandated risk and needs assessment(s) as set forth in the Risk and Needs Assessments Policy
 10. Reasonable efforts made to prevent the juvenile's removal from the home
 11. Any other information that is deemed necessary to ensure an understanding of each juvenile's needs
 12. Relevant victim information, criminal protective orders, or restraining orders
- (c) Providing the person with any of the following as applicable:
1. Applicable resources, including community referrals

400.5 ISSUED DATE

- 10/07/2020

Risk and Needs Assessments

401.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidelines for the selection and administration of risk and needs assessment tools (RNAs) and the use of resulting information.

401.2 POLICY

It is the policy of the Department to use RNAs fairly, properly, and consistently to assist in making informed decisions regarding a person's levels of risk, intervention strategies, treatment, and supervision.

401.3 AGENCY RNA SELECTION

The Chief Probation Officer or the authorized designee is responsible for:

- (a) Identifying and approving any RNAs to be used by officers considering state or other jurisdictional requirements.
 1. Any/All State-Authorized Risk Assessment Tools used for the evaluation of Sex Offenders (SARATSO) (Penal Code § 290.04).
 2. All other RNAs to be used by Department members.
- (b) Creating and maintaining procedures for the administration of RNAs, including but not limited to:
 1. Procedures to collect initial and updated information.
 2. Reassessments based on a person's life changes or other dynamic risk factors.
- (c) Periodically reviewing assessments and results to identify any training or RNA adjustments or improvements.
- (d) Working with other agencies and entities, including courts, prosecutors, treatment providers, and other providers, to facilitate coordination and implementation of department-approved RNAs and related procedures.

401.4 MEMBER RESPONSIBILITIES

Members should not administer or score RNAs before completing department-approved training.

Only Department-approved RNAs should be used.

Members should supplement information collected during the administration of RNAs with information from an official records check, such as a criminal history records check or from collateral sources.

Members who reasonably believe the results of an RNA may be inaccurate or incomplete should consult with a supervisor or their designee to determine whether presentation to the court or other resolution is appropriate.

If the Department believes an individual static SARATSO score does not represent the person's true risk level, based on factors in the offender's record, the Department may submit the case to

Fresno County Probation Department

Probation Manual

Probation Manual

Risk and Needs Assessments

the experts retained by the SARATSO Review Committee to monitor the scoring of the SARATSO (Penal Code § 290.05(e)).

401.4.1 STATE REQUIREMENTS

- (a) Officers shall submit SARATSO results to the Department of Justice not later than 30 days after the assessment as provided in Penal Code § 290.09(b)(2).
- (b) The Department shall, prior to sentencing, assess every eligible person, as defined in Penal Code § 290.06(c), whether or not a report is prepared pursuant to Section 1203 (Penal Code § 290.06).

401.5 TRAINING

Members using RNAs should receive periodic training on the use of approved RNAs. The training should include, as applicable and as resources allow:

- (a) The purpose of the RNA, including the types of offenders for which the RNA was developed.
- (b) Information required for administration of the RNA.
- (c) How to administer the RNA.
- (d) Limitations of the RNA.
- (e) The types of decisions that may be made based on data produced by the RNA.
- (f) How the RNA calculates risk and needs and what, if any, other assessment information may be provided by the tool (e.g., strengths, responsivity factors).

401.5.1 SEX OFFENDER RISK ASSESSMENT TRAINING REQUIREMENTS

Only officers trained as required by Penal Code § 290.05 may administer a static SARATSO.

401.5.2 APPROVAL OF RNA BUSINESS RULES

At the direction of the Chief Probation Officer or the authorized designee, business rules for RNAs will be completed by a multidisciplinary committee, with final approval from the Chief Probation Officer or the authorized designee.

401.6 ISSUED DATE

- 04/06/2020

Supervision of Persons

402.1 PURPOSE AND SCOPE

This policy establishes guidelines for the supervision of persons by assigning persons to an appropriate level of supervision and developing an appropriate case management plan for each person.

This policy does not address compliance monitoring, modifications and violations of release conditions, risk and needs assessments, and intake, which are addressed in other policies.

402.2 POLICY

It is the policy of the Fresno County Probation Department to use case management practices to facilitate effective and safe supervision of persons in accordance with federal and state law and department procedure.

402.3 RESPONSIBILITIES

The Chief Probation Officer or the authorized designee should:

- (a) Establish and maintain procedures to assign persons to approved levels of supervision.
- (b) Establish and maintain procedures for the development and implementation of case management plans.
- (c) Establish and maintain procedures to ensure that persons are provided with guidance identifying appropriate community-based resources required or recommended for the person, and with assistance accessing those resources.
 1. This should include maintaining a list of resources and services available and approval of necessary additions or substitutions.
- (d) Review and approve the level of supervision to which each person is assigned.
 1. This should include the initial assignment and periodic reviews to determine if adjustments in the level of supervision are appropriate.
- (e) Conduct periodic reviews of case management plans to assess the need to adjust a plan for reasons including the person's compliance with conditions of supervision, life changes, or other risk factors.
- (f) Establish a procedure to ensure that every 10 days updates are made to any supervised release file available to this department on the California Law Enforcement Telecommunications System (CLETS) by entering any person placed on post-conviction supervision who is within the jurisdiction and authority of the Fresno County Probation Department. This includes persons on probation, mandatory supervision, and post-release community supervision (Penal Code § 14216(c)).

Fresno County Probation Department

Probation Manual

Probation Manual

Supervision of Persons

402.4 LEVELS OF SUPERVISION

Each person should be assigned a level and type of supervision pursuant to Penal Code § 1202.8; Welfare and Institutions Code § 725; Welfare and Institutions Code § 727 and other applicable statutes.

402.4.1 ASSIGNMENT TO A LEVEL OF SUPERVISION

Officers shall follow department procedures when assigning each person to a level of supervision.

The assignment of a person to a level and type of supervision should be based on, but not limited to, the following:

- (a) Court-ordered directives related to supervision pursuant to Penal Code § 1202.8; Welfare and Institutions Code § 725; Welfare and Institutions Code § 727) and other applicable statutes.
- (b) Results and findings of the risk and needs assessment administered pursuant to the Risk and Needs Assessments Policy.
- (c) Results and findings of other relevant evaluations, including but not limited to mental and physical health evaluations and substance abuse evaluations.
- (d) Information collected at intake pursuant to the Initial Intake to Probation Services Policy.
- (e) Nature and severity of the offense requiring supervision.
- (f) Past criminal history and past performance on probation/parole supervision.
- (g) Other information relevant to a level and type of supervision determination.

402.4.2 LEVELS OF SUPERVISION FOR SEX OFFENDERS

Adult sex offenders who are determined by a risk and needs assessment to pose a high risk to the public of committing a sex crime shall be assigned to intensive and specialized supervision as required by Penal Code § 1203f.

Juvenile sex offenders who pose a high risk of committing a sex crime or require long-term treatment or require out of home placement pursuant to WIC 727, should be considered for assignment to intensive and specialized supervision.

402.5 CONFLICT OF SUPERVISION

Cases where the county/department may have a conflict supervising a person in our county will be reviewed on a case-by-case basis, with the ultimate authority coming from the Chief Probation Officer or the authorized designee, to either supervise the case, or ask another county to supervise the case.

402.6 ESTABLISHMENT OF A CASE MANAGEMENT PLAN

A case management plan shall be established for all supervised persons according to department procedures. Prior to developing a case management plan, officers shall review with the person the results of any risk and needs assessment, the pre-sentence investigation, if applicable, and the information collected during intake.

Fresno County Probation Department

Probation Manual

Probation Manual

Supervision of Persons

Case management plans should outline supervision strategies, including supervision, monitoring, needs screening, and referrals to appropriate programming such as treatment, education, and training programs.

Officers shall review the materials used to develop the case management plan with the person, as appropriate.

A case management plan shall identify all terms of release. Additions and modifications to court-ordered conditions shall be consistent with the Modification of Conditions of Supervision Policy.

402.6.1 JUVENILE CASE MANAGEMENT PLAN

When establishing a case management plan with a juvenile, a parent or guardian shall be present. Documentation shall identify all persons present during the review.

402.6.2 REVISIONS TO CASE MANAGEMENT PLAN

Officers shall conduct routine reviews of the case management plan and adjust when it reasonably appears appropriate, including any time modifications are made to the conditions of release of the person. Updates to the case management plan shall be approved by a supervisor.

402.7 POST-RELEASE COMMUNITY SUPERVISION FOR ADULTS

Persons subject to post-release community supervision pursuant to Penal Code § 3451 shall be supervised in accordance with this policy and state law. The person under supervision shall be required to comply with the following terms of post-release community supervision (Penal Code § 3453):

Any additional post-release community supervision conditions shall be reasonably related to the offense for which the person was incarcerated, their risk of recidivism, and their criminal history (Penal Code § 3454).

402.8 MANDATORY SUPERVISION FOR ADULTS

Persons on mandatory supervision pursuant to Penal Code § 1170 (h)(5)(B) shall be supervised in accordance with this policy and Penal Code § 1170.

402.9 ADULT AND JUVENILE HOME DETENTION PROGRAM

If the Department provides for a home detention program, officers supervising a person on home detention shall confirm pursuant to applicable statutes:

- (a) That the person is informed in writing of the rules and regulations of the program and the requirement to comply with those rules and regulations during the term of their home detention.
- (b) That the person remains inside the home during the designated hours.
- (c) That the person permits access to the home by the officer at any time to confirm the person's compliance with the conditions of the home detention.

Fresno County Probation Department

Probation Manual

Probation Manual

Supervision of Persons

402.10 NOTICE TO PROBATIONER

Once a case management plan has been established, officers should review and discuss any instructions or requirements with the person and provide written notification to the person (Penal Code § 1203.7; Penal Code § 1203.12; Penal Code § 3453).

Officers should also provide persons with an overview of what the person can expect while under the supervision of the Fresno County Probation Department, including:

- (a) Reporting and other requirements.
- (b) Applicable rules.

Updates to any instructions or requirements should be reviewed with the person.

Officers should obtain a written acknowledgement from the person that the individual has received a copy of the supervision conditions and requirements.

402.10.1 NOTICE TO SEX OFFENDERS OF PROOF OF REGISTRATION DEADLINE

At least six days prior to the deadline, officers supervising persons required to register as sex offenders under state law shall inform the person that they are required to provide proof of their registration as a sex offender within six working days of release. Officers shall inform such persons that they must notify their supervising officer of any change or update to the registration within five working days of the change (Penal Code § 290.85).

402.10.2 NOTICE TO PARTICIPANTS IN HOME DETENTION PROGRAM

Officers shall provide written notice of the rules governing the home detention program to persons subject to mandatory home detention.

402.10.3 NOTICE OF VOTING RIGHTS

Officers should notify persons that a printed and Probation website version of information regarding voting rights for persons with a criminal history is available upon request. When requested, officers shall provide the information (Elections Code § 2105.6).

402.11 ADULT CASE RECORD

Officers shall keep a complete and accurate record of the history of each adult person assigned to their supervision. The record shall include (Penal Code § 1203.7; Penal Code § 1203.10):

- (a) The history of the person's case in court.
- (b) The name of the assigned officer.
- (c) The acts taken by the officer in connection with the case.
- (d) The age, sex, nativity, residence, education, habits of temperance, marital status, conduct, employment, occupation, parents' occupation, and the condition of the person during the term of probation.
- (e) The result of probation.

Fresno County Probation Department

Probation Manual

Probation Manual

Supervision of Persons

402.11.1 JUVENILE CASE RECORD

Officers shall keep a complete and accurate record for each juvenile person assigned to their supervision pursuant to established department procedures.

402.12 TRAINING

Officers shall receive training on assigning of levels of supervision and developing and implementing case management plans before supervising persons.

402.13 ISSUED DATE

- 04/20/2020

402.13.1 REVISED DATE(S)

- 11/16/2020
- 03/30/2021
- 05/27/2022

Compliance Monitoring

403.1 PURPOSE AND SCOPE

This policy provides guidelines for monitoring persons.

This policy applies to all members within the Fresno County Probation Department who monitor people on supervision.

Drug and/or alcohol testing, search and seizure issues, and task force operations are addressed in the Drug and Alcohol Testing, Search and Seizure, and Task Force policies, respectively.

403.1.1 DEFINITIONS

Definitions related to this policy include:

Monitoring - Monitoring includes, but is not limited to, conducting field observation, home contacts, office contacts, employment contacts, telephone checks, field contacts to referral services and programs, location monitoring, social media reviews, or any other type of visual or digital tracking of persons. Compliance monitoring includes observation and/or surveillance of persons through available means, including visual, audio, or digital.

403.2 POLICY

It is the policy of this department to fairly and objectively monitor person in accordance with federal and state law, as well as department policies.

403.3 MONITORING PLAN

Officers shall establish a monitoring plan for each person in accordance with the established procedure based on the department implemented supervision levels based on risk assessment. The monitoring plan shall identify types and frequency of monitoring. Officers shall limit monitoring to that which is reasonably necessary to accomplish the intended verification or corroboration.

Officers shall consider the following when establishing the monitoring plan:

- (a) The terms of the court order or by operation of law
- (b) The case plan
- (c) Required or recommended referrals to community-based resources and services
- (d) The results of any risk assessment, including the likelihood of the person to reoffend
- (e) The purpose of the surveillance (e.g., address or employment verification, unauthorized travel check, curfew check, suspected criminal associations)

Officers shall not implement any specific form of monitoring as defined in section 403.1.1 that is not authorized by the person's supervision, court, judicial officer, or releasing authority order, state law, and department procedure. When required by a supervisor, officers shall obtain approval if modification of the court, judicial officer, or releasing authority order or a warrant reasonably appears necessary.

Fresno County Probation Department

Probation Manual

Probation Manual

Compliance Monitoring

403.3.1 ADULT SEX OFFENDER REQUIREMENTS

The monitoring plan for persons assessed with the State Authorized Risk Assessment Tool for Sex Offenders who have a risk level of high shall include continued electronic monitoring, unless the person's court, judicial officer, or releasing authority order specifically provides that such monitoring is not needed, and intensive, specialized probation supervision that includes frequent reporting to the assigned officer (Penal Code § 1202.8; Penal Code § 1203f).

403.3.2 ADULT POST-RELEASE COMMUNITY SUPERVISION

The monitoring plan for persons subject to post-release community supervision shall be developed in accordance with this policy and any review process established by the County (Penal Code § 3454).

403.4 GUIDELINES FOR MONITORING

Officers shall:

- (a) Obtain approval from a supervisor and prepare an operational outline before conducting any monitoring of any person(s) in the community.
- (b) Have at least two officers present when conducting home contacts, work contacts, curfew checks, or any other type of monitoring occurring in the community.
- (c) Obtain prior approval from a supervisor for any monitoring of persons that requires more than two vehicles.
- (d) Officers shall obtain approval from a supervisor when independently monitoring persons within the community.
- (e) Officers should not conduct surveillance with the intent to harass, intimidate, or embarrass.

403.5 OFFICER RESPONSIBILITIES

Officers shall document all monitoring conducted and resulting observations.

An officer who is unable to adhere to a monitoring plan of a person under supervision shall notify a supervisor as soon as reasonably practicable and should request additional resources or an appropriate adjustment to the monitoring plan.

Changes to a monitoring plan may require supervisor approval. Officers may seek supervisory approval for any changes to the monitoring plan, including adjustments based on changes to the case plan, information learned from on-going monitoring, and alleged or observed person behavior.

403.6 SUPERVISOR RESPONSIBILITIES

The Chief Probation Officer or the authorized designee is responsible for:

- (a) Reviewing and approving the monitoring plan developed for each person.
- (b) Reallocating resources and/or approving modifications to monitoring plans as appropriate.

Fresno County Probation Department

Probation Manual

Probation Manual

Compliance Monitoring

1. If available resources are insufficient to meet statutory or court-ordered monitoring duties, the Chief Probation Officer shall provide written notice to the presiding judge of the superior court and the board of supervisors as provided in Penal Code § 1203.74.
- (c) Identifying approved monitoring techniques and establishing and maintaining procedures for the use of the techniques. Procedures shall include:
 1. Identification of when the use of a technique is required or prohibited.
 2. Any required safety measures.
 3. When a warrant or modification to a court order may be required.
- (d) Identifying approved technology, such as digital or video recorders, Global Positioning System (GPS) devices, voice verification/call verification systems, and radio frequency technology. Procedures for approved technology shall include:
 1. Access control.
 2. Oversight.
 3. Compliance verification.
 4. System audits.

403.7 TECHNOLOGY SYSTEMS

Officers shall only use technological tools that have been approved by the department and for which they have received training.

Officers shall test the technology before using in the field. If the tool malfunctions in the field, a supervisor shall be notified and the malfunction documented.

When investigating a possible violation of conditions, an officer shall document any reasonably discovered information that may corroborate or dispute evidence obtained using the technology, including any malfunctions.

403.7.1 ADULT ELECTRONIC MONITORING

If used to monitor adult persons, electronic monitoring shall be implemented in accordance with Penal Code § 1210.7 et seq. The Chief Probation Officer shall develop written guidelines to identify persons who will be subject to continuous electronic monitoring (Penal Code § 1210.12).

Electronic monitoring may include the use of a GPS with the minimum time intervals between transmission established based on an evaluation of the available department resources, established compliance, the criminal history of the person, and the safety of the victim of the person (Penal Code § 1210.10).

Any device used for continuous electronic monitoring shall (Penal Code § 1210.8):

- (a) Be designed to be worn by a person.

Fresno County Probation Department

Probation Manual

Probation Manual

Compliance Monitoring

- (b) Emit a signal as a person is moving or stationary that can be received and tracked across large urban or rural areas, inside or outside of structures, vehicles, or other objects to the greatest degree possible given limitations, size, design, and cost.
- (c) Function 24 hours a day.
- (d) Be resistant or impervious to unintentional or willful damage.

Devices used pursuant to this section shall not be used to eavesdrop or record any conversation, except a conversation between the participant and the person supervising the participant that is to be used solely for the purposes of voice identification. (Penal Code § 1210.11).

403.7.2 JUVENILE ELECTRONIC MONITORING

If used to monitor minors, the monitoring shall be conducted pursuant to the provisions outlined above for adult electronic monitoring.

403.8 SOCIAL MEDIA MONITORING

Using social media or any other internet source to access information for the purpose of monitoring persons shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet shall only be accessed by members for purposes consistent with the case plan. Social media monitoring that involves the use of a fictitious account shall not be conducted unless approved in writing by a supervisor.

Members monitoring social media of persons shall use only department-approved equipment while on-duty unless they are specifically authorized to do otherwise by a supervisor. If a member encounters information relevant to the monitoring of persons while off-duty or while using the member's own equipment, the member shall note the dates, times, and locations related to the information and report the discovery to a supervisor as soon as practicable. The member, or others who have been assigned to do so, shall attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet shall not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release Policy).

403.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate monitoring purposes consistent with the monitoring plan for the person.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias, or other identifier, or the use of nongovernment IP addresses, requires written supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the person's case file.

Fresno County Probation Department

Probation Manual

Probation Manual

Compliance Monitoring

Accessing information that requires the use of a third party's account or online identifier requires written supervisor approval and the written consent of the third party. The consent must be voluntary and shall be documented in the person's case file.

Information gathered from any internet source shall be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence shall be sought and documented in the person's case file.

Any information collected in furtherance of compliance monitoring through an internet source shall be documented in the person's case file. Documentation shall include the source of information, the dates and times that the information was gathered, and screenshots if available.

403.9 ACCESS RESTRICTIONS

Recordings or other evidence created or received while conducting monitoring shall be processed as provided in the Property Policy.

403.10 TRAINING

The department shall provide periodic training to officers on this policy and related procedures. Training, subject to available resources, shall include:

- (a) Use of approved methods of monitoring.
- (b) How and when to use approved technology for monitoring.
- (c) Constitutional issues that may arise during monitoring, including any warrant or court order requirements and privacy issues.
- (d) When coordination with local law enforcement or other agencies is appropriate.

403.11 ISSUED DATE

- 11/30/2020

Drug and Alcohol Testing

404.1 PURPOSE AND SCOPE

This purpose of this policy is to establish guidelines regarding drug and alcohol testing of persons under department supervision.

404.1.1 DEFINITIONS

Definitions related to this policy include:

Adulterated specimen - A specimen containing a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration.

Diluted specimen - A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Specimen - Urine or other body fluid or substance used for analysis.

404.2 POLICY

It is the policy of the Fresno County Probation Department to conduct drug and alcohol testing of persons, at not cost to the persons, to determine compliance with any conditions of supervision concerning drug and alcohol use, and when pursuant to other judicial order.

404.3 ADMINISTRATION OF DRUG TESTING

The Department has a contractual agreement with a private provider to administer drug and alcohol testing at neutral sites.

404.3 RESPONSIBILITIES

The Chief Probation Officer or the authorized designee shall develop and maintain procedures for drug and alcohol tests, including but not limited to:

- (a) Criteria for identifying persons subject to random, scheduled, and for-cause testing. The criteria should include consideration of:
 - 1. Conditions of supervision.
 - 2. Factors such as history, current use, and behavior.
 - 3. Drug and alcohol assessments.
 - 4. Risk and needs assessments.
 - 5. Officer observations.
 - 6. Third-party information, where confirmed if necessary.
- (b) Types of unauthorized substances tested.
- (c) Specimen collection and testing procedures, including:
 - 1. Identification of approved testing locations.

Fresno County Probation Department

Probation Manual

Probation Manual

Drug and Alcohol Testing

2. Approved testing methods.
3. A saliva test is an option for a person being tested who identifies as a gender other than that of the tester. This information must be documented in the identified case management system.
4. The vendor shall follow all chain of custody requirements.
5. Members have the ability to substitute different substances within the standard five-panel screen. Screening for additional substances must be approved by a supervisor.
6. Youth under the supervision of Juvenile Probation tests shall not be observed by a member/vendor. This process will not apply to those youth who are detained or committed at the Juvenile Justice Campus.
7. Members are required to follow up in the identified case management system to review drug test results.

404.3.1 THIRD-PARTY TESTING

The Chief Probation Officer or the authorized designee shall work with community-based service providers (e.g., drug and/or alcohol treatment facilities) to develop procedures for notifying the supervising officer, if allowed, when a person submits a positive, adulterated, or diluted specimen, or refuses to submit a specimen to the community provider. Those procedures shall, include, but not be limited to:

- (a) The time frame in which the provider must notify the supervising officer (e.g., immediately for high-risk offenders).
- (b) The type of communication required (e.g., email, phone).
- (c) The immediate action taken by the provider in response to the specimen, if any.
- (d) Preservation and documentation of the specimen and test results, confirmation testing, or other actions on the part of the provider; and chain of custody for the specimen and results, including any materials used in the collection and analysis of the specimen.

The Chief Probation Officer or the authorized designee shall establish any other required minimum data elements that are to be included in drug treatment progress reports from the community-based service providers.

404.5 RESPONSIVE ACTION AND CONFIRMATION TESTS

404.5.1 RESPONSIVE ACTION

When a person admits to the use of an unauthorized substance, refuses to submit a specimen when required, tests positive for an unauthorized substance, or provides an adulterated or diluted specimen, the supervising officer shall consider whether:

- (a) Confirmation testing is appropriate.
- (b) The failure or refusal may be a violation of the conditions of supervision and take further action pursuant to the Violations Policy.

Fresno County Probation Department

Probation Manual

Probation Manual

Drug and Alcohol Testing

- (c) Modification to the conditions of supervision, including referral for further assessment to determine the need for outpatient or inpatient drug treatment services, would be appropriate.
- (d) A reassessment would be appropriate as provided in the Risk and Needs Assessments Policy.
- (e) Officers may choose to handle a violation of conditions of supervision in an informal manner, in consideration of each person's individual needs, as long as the action complies with court mandates.

If an officer reasonably suspects a person arrived at the testing location or intends to leave the testing location by operation of a motor vehicle while impaired, the officer shall take appropriate action to ensure the safety of the community and the person(s) involved.

404.5.2 CONFIRMATION TESTS

When a specimen tests positive, or is adulterated or diluted, regardless of any admission of use, reasonable efforts shall be made to confirm whether the result occurred during the use of an authorized or prescribed medication or is the result of the use of a prohibited substance. This may include:

- (a) Verification of medical prescriptions or medical marijuana identification card if use is approved by the court or conditions of the person's supervision.

404.6 TRAINING

Members shall receive training on this policy and related procedures.

404.7 ISSUED DATE

- 05/27/2022

Modification of Conditions of Supervision

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for the modification of conditions of supervision.

405.2 POLICY

It is the policy of this Department that officers will communicate with the courts and the person to modify conditions of supervision.

405.3 APPROVALS

Officers should not modify conditions of supervision without court approval unless the court has expressly delegated the authority to do so to the officer or the Department.

If court approval is not required and the modification would decrease the intensity of supervision, officers should obtain written supervisor approval or the authorized designee approval prior to the modification.

405.4 MODIFICATIONS

When an officer determines modification of a person's conditions of supervision may be appropriate, the officer should within a reasonable time:

- Identify the proposed modification and document the reason(s) for the proposed modification.
- Notify the person of the proposed modification and ask whether the person will agree to the modification.
- If the person is a minor, proceed with the Modification Hearing subsection (even if the person agrees to the modification).

An agreement by the person to the modification should be in writing and a copy provided to the person.

405.4.1 MODIFICATION WITHOUT HEARING

If the person agrees to the modification and the court has expressly authorized modifications without a hearing, the officer shall (Penal Code §1203.2; Penal Code § 3455; Welfare & Institutions Code § 775, 776, & 778):

- (a) Obtain a written waiver of the hearing from the person.
- (b) Submit to the court a copy of the modification along with the rationale for the modification and the person's agreement and waiver of hearing.
- (c) For juvenile matters, officers will complete the Application for Modification and Order.

Prior to submission of court documents, the officer shall notify the person of the right to an attorney, and if indigent, the right to a court-appointed attorney (Penal Code § 1203.2; Welfare & Institutions Code § 634). If a person waives the right to an attorney, the officer should obtain a signature from

Fresno County Probation Department

Probation Manual

Probation Manual

Modification of Conditions of Supervision

the person on the written waiver. If the person consults with an attorney and thereafter agrees to the modification and waiver of personal appearance at the hearing, the officer shall obtain a signature from the attorney asto the agreement (Penal Code § 1203.2; Penal Code § 3455; Welfare & Institutions Code § 775, 776, & 778).

405.4.2 MODIFICATION HEARING

Before the hearing is scheduled, the officer shall:

- (a) Arrange to have a court date set.
- (b) Prepare or assist in preparing any documents required by the court (Penal Code § 1203.2; Penal Code § 3455; Pretrial; Welfare and Institutions Code § 778). A copy of the court report shall be provided to the following: Defense counsel, District Attorney, the person under supervision, and the person's parents/guardian if applicable.
- (c) Notify the person of the hearing date.
 1. Notice shall be in writing signed by the person, a copy provided to the person. Submit the notice to appear form electronically to the court.
 2. Officers filing a petition to juvenile court to modify or set aside a condition(s) of supervision shall serve a copy of the petition on the District Attorney, the minor's attorney of record, or, if there is no counsel of record, to minor and the parents or guardians (Welfare and Institutions Code § 775, 776, & 778).

405.5 MODIFICATION HEARING REQUESTED BY A SUPERVISED PERSON

If a matter is placed on the court calendar by a supervised person, an officer will follow the procedures as set forth by the Court.

405.6 CASE MANAGEMENT PLAN

Officers should review any resulting modifications with the person and update the Probation Case Management system.

The case management plan shall be modified as appropriate. See the Supervision of Persons Policy.

405.7 DOCUMENTATION

Documents associated with modifications of conditions of supervision, including any reports, notice, waivers, terms and conditions, and approvals, shall be filed in the person's case file and retained in accordance with the Records Maintenance and Release Policy.

405.8 ISSUED DATE

- 04/20/2020

Violations of Supervision

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for responding to and reporting violations of conditions of supervision.

406.2 POLICY

It is the policy of this department to respond to potential violation behavior with due diligence.

406.3 INVESTIGATIONS

Officers should begin an investigation into reported or suspected violation behavior within a reasonable time. Investigations into possible violations involving behavior reasonably believed to implicate a specific threat to public safety or to the safety of the person or another person should be given priority.

Suspected violations that may constitute additional criminal behavior shall be documented sufficiently for presentation to outside agencies, such as local law enforcement for follow-up or the District Attorney for filing of additional charges. See the Report Preparation Policy.

All investigations should be documented, including whether the case was submitted to the court and/or the District Attorney and any reasons the case was not so submitted.

406.4 PROCESSING VIOLATIONS

If as a result of an investigation, the officer reasonably believes violation proceedings are appropriate, the officer should make reasonable efforts to bring the matter before the court as soon as reasonably practicable.

406.4.1 REQUIRED VIOLATION REPORTING (PENAL CODE § 1203.2A)

Upon learning that a person under supervision has been committed to prison for another offense, the officer may notify the court which released the person on supervision of the commitment. If the officer is notified in writing by the person under supervision, their counsel, or the warden of the prison or authorized representative, the officer must notify the court within 30 days of receiving the written notification. When the court receives such notification, the court shall issue its commitment or make an order terminating jurisdiction within 60 days (Penal Code § 1203.2a). If the officer fails to report the commitment to the court or the court fails to impose sentence, the court shall lose all jurisdiction it may have retained in the granting of probation in the case.

406.4.2 DISCRETIONARY VIOLATION REPORTING

Officers have the ability to use their discretion in lieu of filing a formal violation, by referring to the department's sanctions matrix.

406.4.3 FLASH INCARCERATION (PENAL CODE § 1203.35)

Officers shall obtain supervisor or lead officer approval prior to the imposition of flash incarceration. Officers shall notify the Court, Sheriff's Office, District Attorney's Office, and Public Defender's

Fresno County Probation Department

Probation Manual

Probation Manual

Violations of Supervision

Office as soon as practicable once a decision has been made to impose flash incarceration on a person (Penal Code § 1203.35). If a person does not agree to accept a recommended period of flash incarceration, the officer shall report the violation to the court, if appropriate, or proceed with a formal violation of probation/mandatory supervision.

406.4.4 ADDITIONAL REQUIREMENTS FOR INDIVIDUALS ON POST-RELEASE COMMUNITY SUPERVISION (PRCS)

PRCS flash incarcerations will be handled pursuant to Penal Code Section 3454(c).

If flash incarceration or another intermediate sanction is not appropriate, the officer shall submit a petition to the court to revoke or terminate PRCS. The petition shall include a written report that contains the terms and conditions of PRCS, the circumstances of the violation, the history of the person, and any recommendations (Penal Code § 3455).

406.5 ARRESTS

Officers who reasonably believe that an arrest is appropriate based on violation behavior should take steps to initiate the arrest within the scope of their authority and without unreasonable delay (Penal Code § 1203.2; Penal Code § 3455; Welfare and Institutions Code § 625). See the Probation Authority Policy.

If an arrest warrant is issued for a violation, the officers shall make efforts to effect the arrest or may request assistance from local law enforcement to serve the warrant.

406.6 SERVICE OF DOCUMENTS

406.6.1 EVIDENCE DISCLOSURE

Evidence that the officer intends to be used at a violation hearing should be disclosed prior to the hearing to the District Attorney. Information that is confidential or protected may have disclosure limitations and shall be approved by a supervisor and/or the court prior to disclosure.

406.6.2 SUPPLEMENTAL PETITIONS IN JUVENILE COURT

Officers filing a supplemental petition to juvenile court shall serve notice of the date, time, and place of a Welfare and Institutions Code § 777 hearing to the minor's parents, foster parents, guardians, or the relatives providing care to the minor in the manner required by Welfare and Institutions Code § 658 or Welfare and Institutions Code § 660, as applicable (Welfare and Institutions Code § 777).

406.7 NOTIFICATIONS

Officers who initiate violation proceedings against a person should consider whether notification should be made to a third party or the victim of the offense for which the person is on supervision. See the Victim and Witness Assistance Policy.

406.8 ISSUED DATE

- 09/21/2020

Subpoenas and Court Appearances

407.1 PURPOSE AND SCOPE

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

407.2 POLICY

Fresno County Probation Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

407.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the member of the department or by delivery of two copies of the subpoena to the member's supervisor or other authorized department agent (Government Code § 68097.1; Penal Code § 1328).

Any party that issues a civil subpoena to 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 may be accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328):

- (a) The supervisor or authorized individual will be unable to deliver a copy of the subpoena to the named member with sufficient time for the named member to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and the supervisor or authorized individual is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines it is not possible to deliver a copy of the subpoena to the named member within sufficient time for the named 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 prior to the date listed for the appearance (Penal Code § 1328)

Members who receive subpoenas related to their employment with the department are subject to the provision of this policy. Members should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. Members are expected to cooperate with the prosecution to ensure successful conclusion of the case. When a member receives a subpoena and it is determined they are on annual leave or a leave of absence, the member or their supervisor shall immediately contact the District Attorney's office for further direction.

Fresno County Probation Department

Probation Manual

Probation Manual

Subpoenas and Court Appearances

407.3.1 REQUESTING SUBPOENAS FOR A VIOLATION OF PROBATION HEARING (ADULT CASES)

When a person under supervision contests the allegations of their violation, and the Court sets the matter for a contested hearing, the assigned officer or designee will complete a witness sheet for the District Attorney's office or any other prosecution agency to subpoena witnesses.

See Procedures Manual on Subpoenas and Court Appearances for further information.

[Subpoenas and Court Appearances Procedures](#)

407.3.2 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify, or provides information on behalf or at the request of any party other than the County Counsel or the prosecutor shall notify the member's immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of their official capacity, is a party.
- (b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of their official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of their association with the 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 member shall be retaliated against for testifying in any matter.

407.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

407.3.4 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement or memorandum of understanding.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member. There may be instances where the member may be required to take their own annual leave.

Fresno County Probation Department

Probation Manual

Probation Manual

Subpoenas and Court Appearances

407.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

See Procedures Manual on Subpoenas and Court Appearances for further information.

[Subpoenas and Court Appearances Procedures](#)

407.5 STANDBY

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

If a member on standby changes location during the day, the member shall notify the designated department member of how the member can be reached, and the agency that issued the subpoena. Members are required to remain on standby until released by the court or the party that issued the subpoena.

407.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in 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.

407.6.1 TESTIMONY

Before testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court. The member should also contact the prosecuting attorney regarding testimony and evidence that might be needed in court.

407.6.2 EVIDENCE

When a member is directed by a subpoena to appear in court with evidence or the prosecuting attorney requests evidence that is available to the member, that member should:

- (a) Notify the Property and Evidence 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 in the event that evidence has been lost, stolen, or misplaced, or if previously undisclosed information about the evidence has become available.

Fresno County Probation Department

Probation Manual

Probation Manual

Subpoenas and Court Appearances

- (e) Comply with provisions of the Property Policy regarding checking out the evidence and transferring custody of the evidence to the prosecutor or the court, whichever is appropriate.

407.7 OFF-DUTY APPEARANCES

When a member appears in court on off-duty time, the member will be compensated in accordance with the current collective bargaining agreement or memorandum of understanding.

407.8 ISSUED DATE

- 04/06/2020

Interstate Transfer of Supervision

408.1 PURPOSE AND SCOPE

The purpose of this policy is to guide the processing of cases related to the Interstate Compact for Adult Offender Supervision (ICAOS) and ensure the Fresno County Probation Department's compliance with ICAOS, and ensure the Department's compliance with ICAOS.

408.1.1 DEFINITIONS

Compact Administrator - The individual in each compacting state responsible for the administration and management of the state's supervision and transfer of offenders, subject to the terms of ICAOS, the rules adopted by the Interstate Commission for Adult Offender Supervision, and policies adopted by the State Council.

Interstate Compact for Adult Offender Supervision (ICAOS) - A reciprocal agreement among the 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands for the controlled movement and transfer of probation supervision authority across state lines (Penal Code § 11180).

Interstate Compact Offender Tracking System (ICOTS) - A web-based system that facilitates the transfer of supervision for persons from one state to another. ICOTS includes mechanisms for notifications of departures, arrivals, progress, violations, and case closures.

408.2 POLICY

It is the policy of the Fresno County Probation Department to use ICOTS when planning for and organizing the movement and supervision of persons across state lines. All interstate transfer of supervision activities should comply with the uniform framework of ICAOS.

408.3 REQUEST FOR TRANSFER OF SUPERVISION BY A PERSON

When a person requests a transfer of supervision to another state, the officer should:

- Access the ICOTS transfer procedures in the Department's Case Management System.
- Discuss the person's request with them, including the person's reasoning and the person's supervision plan for compliance in the potential receiving state. Consideration should be given to victim location and restitution when practicable.
- Review the person's supervision plan to ensure it meets criteria for transfer as specified in ICAOS rules, including any special criteria where applicable (e.g., mandatory transfer, sex offender transfer, emergency transfer).
- Review the person's supervision status, including the person's current compliance status with any past or present conditions of supervision.

408.4 TRANSFER, RETAKE, AND CLOSURE OF ICAOS CASES

The Department shall follow the rules set forth by the Interstate Commission for Adult Offender Supervision and the State Council and shall cooperate with the state Compact Administrator.

[Interstate Compact Step-by-Step](#)

Fresno County Probation Department

Probation Manual

Probation Manual

Interstate Transfer of Supervision

The Department shall utilize ICOTS as necessary, including for notifications of departures, arrivals, progress, violations, and case closures.

408.5 RECEIPT OF TRANSFERRED PROBATIONERS

Transferred persons received by the Department shall be given an orientation consistent with the Initial and Post Sentence Intake with Probation Services Policy.

408.6 TRAINING

The Department shall provide training to members involved in ICAOS cases. Training will be coordinated through the Compact Administrator.

408.7 ISSUED DATE

- 04/06/2020

Interstate Transfer of Supervision of Juveniles

409.1 PURPOSE AND SCOPE

The purpose of this policy is to guide processing of cases related to the Interstate Compact for Juveniles (ICJ) and ensure the Fresno County Probation Department's compliance with ICJ.

409.1.1 DEFINITIONS

Compact Administrator - The individual in each compacting state responsible for the administration and management of the state's supervision and transfer of offenders, subject to the terms of the ICJ, the rules adopted by the Interstate Commission for Juveniles, and policies adopted by California's ICJ office.

Interstate Compact for Juveniles (ICJ) - A reciprocal agreement among the 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands for the controlled movement and transfer of probation supervision authority across state lines for juveniles (4 USC § 112).

Uniform Nationwide Interstate Tracking for Youth (UNITY) - A web-based system for tracking interstate juvenile movement.

409.2 POLICY

It is the policy of the Fresno County Probation Department to use UNITY when planning for and organizing the movement and supervision of persons across state lines. All interstate transfer and receipt of supervision activities will comply with the uniform framework of ICJ.

409.3 REQUEST FOR TRANSFER OF SUPERVISION BY A PERSON

When a request for transfer of supervision to another state is made, the officer should:

- Confirm an appropriate legal guardian exists, or is anticipated to exist, in the receiving state.
- Discuss the request with the person and legal guardian(s), including the reasoning and the plan for compliance in the potential receiving state.
- Review the plan to ensure it meets criteria for transfer as specified in ICJ rules, including any special criteria where applicable (e.g., mandatory transfer, juvenile sex offender transfer, expedited transfer).
- Review the youth's supervision status, including their current compliance status with any past or present conditions of supervision.
- Complete and submit applicable forms required by ICJ rules.
- Ensure compliance with all applicable victim notification requirements.

409.4 TRANSFER, RETAKE, AND CLOSURE OF ICJ CASES

The Fresno County Probation Department shall follow the ICJ rules, and will cooperate with the state Compact Administrator.

Fresno County Probation Department

Probation Manual

Probation Manual

Interstate Transfer of Supervision of Juveniles

The Fresno County Probation Department shall utilize UNITY as necessary, including for notifications of departures, arrivals, progress, violations, and case closures.

409.5 RECEIPT OF REQUEST FOR TRANSFER OF SUPERVISION BY A PERSON

When a request for receipt for transfer of supervision by another state is made, the assigned officer should:

- Confirm an appropriate legal guardian(s) exists.
- Discuss the request with the legal guardian(s), including the reasoning and case plan for compliance.
- Review the plan to ensure it meets criteria for transfer as specified in ICJ rules including any special criteria where applicable (e.g., mandatory transfer, juvenile sex offender transfer, expedited transfer).
- Complete and submit applicable forms required by ICJ rules.

409.5.1 RECEIPT OF TRANSFERRED CLIENTS

Transferred clients received by the Fresno County Probation Department should be given an orientation consistent with the Initial and Post Sentence Intake with Probation Services Policy.

409.6 TRAINING

The Fresno County Probation Department should provide training to officers involved in ICJ cases.

409.7 ISSUED DATE

- 04/06/2020

Cash Handling, Security, and Management

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure Fresno County Probation Department members handle cash, checks, or money orders appropriately in the performance of their duties.

This policy does not address cash, checks, or money order handling issues specific to property, which are addressed in the Property Policy.

410.2 POLICY

It is the policy of the Department to properly handle and document transactions involving cash, checks, or money orders and to maintain accurate records of these transactions in order to protect the integrity of Department operations and ensure the public trust.

410.3 PETTY CASH FUNDS

The Chief Probation Officer shall designate a member as the fund manager responsible for maintaining and managing petty cash funds.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms, and expense reports by the fund manager.

The cash, checks, money orders, and fund documents shall be stored in a secure location (e.g., lockbox, locked file cabinet), with a limited number of assigned keys. Keys shall be kept in a secure location, and shall not be shared with members who are not the fund manager.

410.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger, case notes, and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions shall include the filing of an appropriate receipt, invoice, or cash transfer form. Transactions that are not documented by a receipt, invoice, or cash transfer form require an expense report.

410.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one administrative staff member, selected by the Chief Probation Officer, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. Any discrepancy in funds found by the audit requires documentation of the discrepancy by those performing the audit, and an immediate reporting of the discrepancy to the Chief Probation Officer.

Transference of fund management to another member shall require a separate petty cash audit and involve an administrative staff member.

Fresno County Probation Department

Probation Manual

Probation Manual

Cash Handling, Security, and Management

410.6 ROUTINE CASH HANDLING

Members who handle cash as part of their regular duties (e.g., property custodians, those who accept payment for department services) will discharge those duties in accordance with the procedures established for those tasks (see the Property Policy).

410.7 OTHER CASH HANDLING

Members who, within the course of their duties, are in possession of cash, checks, or money orders that are not their property or that are outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the funds for safekeeping or as evidence or found property, in accordance with the Property Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification, and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

410.8 ISSUE DATE

- 09/16/2021

Bias-Based Supervision

412.1 PURPOSE AND SCOPE

This policy provides guidance to Fresno County Probation Department members that affirms the County's commitment to supervision that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in probation activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, and partnerships).

412.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based supervision - An inappropriate reliance on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics), as the basis for providing differing supervision services or enforcement of court orders or by operation of law. Members may also refer to the Conflict of Interest Policy.

412.2 POLICY

The Fresno County Probation Department is committed to providing supervision services to the community with due regard for the racial, cultural, or other differences of those served. It is the policy of this department to provide probation services and to enforce the law and conditions set by the court or by operation of law equally, fairly, objectively, and without discrimination toward any individual or group.

412.3 BIAS-BASED SUPERVISION PROHIBITED

Bias-based supervision is strictly prohibited.

However, nothing in this policy is intended to prohibit members from considering protected characteristics in combination with credible, timely, and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

412.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based supervision to a supervisor. Members shall, when reasonable to do so, intervene to prevent any bias-based actions by another member. Members shall follow Federal and State laws and County of Fresno policies related to discrimination and harassment.

412.4.1 REASON FOR CONTACT

Members contacting a person shall be prepared to articulate legally sufficient reason for the contact, independent of the protected characteristics of the individual.

Fresno County Probation Department

Probation Manual

Probation Manual

Bias-Based Supervision

To the extent that written documentation would otherwise be completed (e.g., arrest report), the involved member shall include the facts giving rise to the contact.

Except for required data-collection forms or methods, nothing in this policy shall require any member to document a contact that would not otherwise require reporting.

412.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall monitor those members under their command for compliance with this policy, and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors shall discuss any issues with the involved member and the Division Deputy Chief in a timely manner.
 1. Supervisors shall document these discussions.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (c) Supervisors shall take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based supervision.

412.6 ADMINISTRATION

The Chief Probation Officer or the authorized designee should review the efforts of the Department to provide fair and objective supervision. Complaints, including public concerns should be reviewed by the Chief Probation Officer to identify any changes in training or operations that should be made to improve service.

412.7 TRAINING

Training on fair and objective supervision and review of this policy should be conducted as directed by the Training Assistant Deputy Chief.

412.8 ISSUED DATE

- 04/06/2020

Chapter 5 - Field and Special Operations

Crime Scene Integrity and Investigation

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the discovery of a crime or crime scene by department members and any corresponding investigation of a crime.

This policy is intended to address criminal investigations of new crimes or crime scenes, not specific violations of an offender's terms of probation. See the Violations Policy.

500.2 POLICY

It is the policy of this department to secure the safety of the public and the preservation of crime scenes, when reasonably practicable, until relieved by local law enforcement, a supervisor, or other designated person. It is also the policy of this department to cooperate with local law enforcement in the investigation of newly discovered crimes as set forth in this policy.

500.3 INITIAL CONSIDERATIONS

Officers who become aware of a crime or crime scene, including one that may involve persons under the supervision of the Department, shall contact the appropriate local law enforcement agency as soon as practicable.

If the crime involves a person under supervision by the Department, the officer shall and share relevant information with the responding local law enforcement agency.

Officers who reasonably believes that an individual present during the commission of a crime or at a crime scene is under probation supervision by another officer or other probation department shall take reasonable steps to notify the individual's supervising officer or the associated department, to coordinate any necessary investigative responsibilities.

500.3.1 RESPONSE

Officers who encounter a crime scene or who are first to arrive at a crime scene shall:

- (a) Contact local law enforcement.
- (b) Contact other local agencies (e.g., emergency medical services, fire) and request additional assistance and resources, if appropriate.
- (c) Notify a supervisor as soon as practicable.
- (d) When reasonably practicable, provide for the general safety of those within the immediate area by mitigating, reducing, or eliminating threats or dangers.
- (e) Evacuate the location safely as required or appropriate.
- (f) Identify potential witnesses.

500.4 ARRESTS

Officers at the location of a crime or crime scene shall not initiate an arrest unless the officer has a reasonable belief that an immediate arrest is appropriate and warranted to prevent imminent harm

Fresno County Probation Department

Probation Manual

Probation Manual

Crime Scene Integrity and Investigation

to others and only if legally permitted under the circumstances. Additional guidance regarding officer arrest authority under California law is provided in the Probation Authority Policy.

Circumstances involving domestic violence or the crime of possession of medical marijuana may require exceptional handling under California law.

500.4.1 ARRESTS AND INVESTIGATIONS INVOLVING DOMESTIC VIOLENCE

Absent extenuating circumstances involving an imminent threat of death or bodily injury to the officer or another person, officers who have probable cause to believe that an offense involving domestic violence has occurred within their presence shall request response by the appropriate local law enforcement agency.

This should be considered even if the officer has arrest authority under California law. However, if the officer is authorized or required to take enforcement action, the officer shall take steps to reasonably ensure that appropriate action is taken, including an arrest, when there is probable cause to do so. In such case, any decision not to arrest shall be made by the officer's supervisor.

500.4.2 ARRESTS AND INVESTIGATIONS INVOLVING THE USE OF MEDICAL MARIJUANA

Officers shall not arrest a cardholder or designated primary caregiver in possession of an identification card solely for the crime of possession, transportation, delivery, or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78): Officers

- (a) The information contained in the card is false or falsified.
- (b) The card has been obtained or used by means of fraud.
- (c) The person possesses marijuana, but not for personal medical purposes.

Officers shall refer to the Violations Policy when a person alleges possession or use of marijuana for medicinal purposes and the person's terms of supervision do not allow for medicinal use or possession.

500.5 EVIDENCE

Officers shall not conduct searches beyond the scope of their authority. Evidence discovered at a crime scene that pertains to an officer's investigation of a probation violation shall be documented and preserved as soon as practicable in accordance with the Search and Seizure Policy.

Officers who discover evidence that does not relate to a probation violation shall defer to local law enforcement personnel for collection.

500.6 REPORTS

Reports shall include adequate investigative information and reference all evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in a related criminal case, as well as information that may adversely affect the credibility of a witness. If an officer learns of potentially incriminating or exculpatory information any time after submission of a

Fresno County Probation Department

Probation Manual

Probation Manual

Crime Scene Integrity and Investigation

report, the officer shall prepare and submit a supplemental report documenting such information as soon as practicable.

Officers shall proceed with the Violations Policy when the investigation involves a violation of probation conditions.

500.6.1 DISCLOSURE OF REPORTS

Upon completion, reports, including any supplemental reports, shall be transmitted to the prosecutor's office and to any other agency to whom the original report was sent (e.g., local law enforcement agency). If information is believed to be privileged or confidential (e.g., informant or protected information), release shall be approved by a supervisor prior to disclosure.

Disclosure of protected information in this context may be subject to the Records Maintenance and Release and Protected Information policies. See the Violations Policy, regarding information disclosure as part of a probation violation hearing.

500.7 RECORDS

Reports created in relation to a crime or crime scene investigation shall be retained in accordance with the Records Maintenance and Release Policy.

500.8 ISSUED DATE

- 10/07/2020

Ride-Alongs

501.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with officers of the Fresno County Probation Department. This policy provides the requirements, approval process, hours of operation, and member responsibilities for ride-alongs.

501.2 POLICY

Ride-along opportunities may be provided to members of the public, County employees, and members of this department to observe and experience, firsthand, various functions of the Fresno County Probation Department. The term “ride-along” includes riding as a passenger with an officer performing field supervision or observing the work day of members engaging in other functions within the Department facility, such as office contacts with persons or supervised persons as determined by a supervisor.

501.3 ELIGIBILITY

A ride-along is available to Fresno County residents and business owners, consultants, students currently attending class in Fresno County, and individuals employed within Fresno County. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified from participating without cause.

Factors that may be considered in disqualifying an applicant include but are not limited to:

- Being younger than 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this department or the County.
- Denial by any supervisor.
- Termination of a prior ride-along.

501.4 AVAILABILITY

A ride-along or job observation is available Monday through Friday from 8:00 a.m. to 5:00 p.m. Exceptions to this schedule may be made as approved by the supervisor.

501.5 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the supervisor. The applicant will complete and sign a ride-along or job observation waiver form. This form will be located in the Probation Case Management System. Information requested will include a valid state-issued identification card or driver’s license number, birth date, address, and telephone number.

Fresno County Probation Department

Probation Manual

Probation Manual

Ride-Alongs

The supervisor will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate division as soon as possible for scheduling considerations.

If the request is denied, a representative of this department will advise the applicant of the denial.

501.6 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Volunteers
- Chaplains
- Fresno County Probation Department applicants
- Any others with approval of the supervisor
- Student workers or interns

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

501.6.1 OFF-DUTY PARTICIPATION

Off-duty members of this department or any other law enforcement agency, and employees of the County, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the supervisor.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel, or County employee shall not:

- (a) Be considered on-duty.
- (b) Represent themselves as members of this department or any other law enforcement agency.
- (c) Participate in any law enforcement activity except as emergency circumstances may require.

501.6.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check prior to approval of the ride-along.

501.6.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed in accordance with the Personal Appearance Standards Policy and Uniforms and Civilian Attire Policy. The supervisor, or a lead staff member in the absence of a supervisor, may refuse a ride-along to anyone who is not dressed appropriately.

Fresno County Probation Department

Probation Manual

Probation Manual

Ride-Alongs

501.7 MEMBER RESPONSIBILITIES

The assigned department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about conditions that necessarily limit participation. Instructions should include:

- (a) The participant will follow the directions of the department member.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims, supervised persons or suspects, reading a person's criminal history or other protected information, or handling any probation department equipment.
- (c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.
 1. If the ride-along is in progress, the member may return the participant to the point the ride originated.
- (d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.
- (e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.
- (f) Participants who are not probation or law enforcement officers shall not be permitted to accompany the department member into a private residence.

The member assigned to provide a ride-along shall advise the supervisor, or lead staff in the absence of a supervisor, that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation and, if feasible, let the participant out of the vehicle in a well-lit public place. The supervisor, or lead staff in the absence of a supervisor, will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride-along, or is otherwise inappropriate, should be immediately reported to the supervisor. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the supervisor.

501.8 ISSUED DATE

- 05/06/2020

Hostage and Barricade Incidents

503.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain, or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

503.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against the person's will under threat or actual use of force.

503.2 POLICY

It is the policy of the Fresno County Probation Department to address hostage and barricade situations by immediately contacting local law enforcement.

503.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. The focus of communication should be to stabilize the situation while awaiting local law enforcement.

503.4 CONSIDERATIONS

Officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

Officers should immediately contact local law enforcement when it is determined that a hostage or barricade situation exists.

The primary officer should brief the arriving local law enforcement officers on the incident, including information about suspects and victims, the extent of any injuries and current perimeters and evacuation areas.

Fresno County Probation Department

Probation Manual

Probation Manual

Hostage and Barricade Incidents

503.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers confronted with a barricade situation should attempt to avoid a confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting local law enforcement, specialized personnel, and trained negotiators.

503.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a confrontation in favor of controlling the incident in anticipation of the arrival of local law enforcement, specialized personnel, and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats.

503.5 RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately be notified. The primary officer or supervisor at the scene should assume the role of Incident Supervisor until properly relieved by local law enforcement.

503.6 REPORTING

The primary officer at the scene is responsible for completion of an incident report, and supplemental reports may be requested as appropriate.

503.7 ISSUED DATE

- 04/20/2020

Response to Bomb Threat Calls

504.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Fresno County Probation Department in their initial response to incidents involving explosives or explosive devices, explosion/bombing incidents, or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

504.2 POLICY

It is the policy of the Fresno County Probation Department to place a higher priority on the safety of persons and the public than over damage or destruction to public or private property.

504.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including:

- (a) The name of the caller.
- (b) Confirm the nature of the threat
- (c) The specific location of the device.
- (d) The detonation time of the device.

The member shall immediately contact their supervisor or nearest available supervisor, inform that person of the information, and immediately contact local law enforcement agency (9-911) to convey the information. The Chief Probation Officer shall be notified by the on-site supervisor after law enforcement and other safety agencies have been notified.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

504.4 FRESNO COUNTY PROBATION DEPARTMENT FACILITY

If the bomb threat is against the department facility, the member who received the threat should immediately contact their supervisor or nearest available supervisor, inform that person of the information, and immediately contact the appropriate local law enforcement agency. The supervisor, in coordination with local law enforcement, will direct and assign member(s) as required for coordinating an evacuation of the department, as deemed appropriate.

504.5 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the County that is not the property of this department, the member who received the threat should immediately contact their supervisor or nearest available supervisor, inform that person of the information, and immediately contact the appropriate local law enforcement agency. The supervisor, in coordination

Fresno County Probation Department

Probation Manual

Probation Manual

Response to Bomb Threat Calls

with local law enforcement, will direct and member(s) as required for coordinating an evacuation of the building, as deemed appropriate.

504.6 ASSISTANCE

The Chief Probation Officer or the authorized designee shall be notified when department assistance is requested. The Chief Probation Officer or the authorized designee will make the decision whether the Department will render assistance to responding law enforcement and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including evacuation and giving officers control over the facility.

Should the Chief Probation Officer or the authorized designee determine that the department will assist law enforcement with such an incident, the Chief Probation Officer or the authorized designee will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance in consultation with responding local law enforcement.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 1. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request local law enforcement's assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

504.7 SUSPECTED DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all-inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should limit transmissions on any equipment that is capable of producing radio frequency energy within the evacuation area (largest perimeter reasonably possible) around the suspected device. This includes:
 1. Two-way radios.
 2. Cell phones.
 3. Other personal communication devices.

Fresno County Probation Department

Probation Manual

Probation Manual

Response to Bomb Threat Calls

- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Consider evacuation of buildings and personnel near the device or inside the danger zone and with the safest exit route.
- (h) Promptly relay available information to local law enforcement and the Chief Probation Officer or the authorized designee including:
 - 1. The time of discovery.
 - 2. The exact location of the device.
 - 3. A full description of the device (e.g., size, shape, markings, construction).
 - 4. The anticipated danger zone and perimeter.
 - 5. The areas to be evacuated or cleared.

504.8 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, a supervisor may be confronted with a multitude of considerations. As in other catastrophic events, a rapid evacuation may help to minimize injury to victims, contamination of the scene, or any additional damage from fires or unstable structures.

504.8.1 CONSIDERATIONS

Members present at the scene of an explosion, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries, where safe and practicable.
- (b) Request through 9-1-1 additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens, and hazardous materials, where safe and practicable.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices only if trained to do so or where necessary to establish an evacuation route for self and others.
- (g) Preserve evidence, where safe and practicable.
- (h) Establish an outer perimeter and evacuate, if necessary.
- (i) Identify witnesses.

504.8.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified, as appropriate:

Fresno County Probation Department

Probation Manual

Probation Manual

Response to Bomb Threat Calls

- Local law enforcement
- Chief Probation Officer/Supervisor
- Fire department
- Bomb squad
- Additional department personnel, as necessary
- Other agencies, as appropriate

504.9 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. Pending the arrival of local law enforcement, a supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact evidence may be embedded in nearby structures, objects, or hanging in trees and bushes.

504.9 CROWD CONTROL

Only authorized individuals with a legitimate need should be permitted access to the scene and only at the direction of local law enforcement. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

504.11 ISSUED DATE

- 04/20/2020

Crisis Intervention Incidents

505.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. Such an interaction often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

505.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; noncompliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive, or dangerous behavior that may be accompanied by impaired judgment.

505.2 POLICY

The Fresno County Probation Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

505.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation, or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality, or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness, or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, or lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility, or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

Fresno County Probation Department

Probation Manual

Probation Manual

Crisis Intervention Incidents

505.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief Probation Officer should designate the Training Assistant Deputy Chief and appropriate supervisors to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with persons who may be in crisis.

505.5 CRISIS INTERVENTION RESPONSE

Safety is a priority during any crisis intervention. It is important to recognize that persons under the influence of alcohol, drugs, or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These persons may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises, and unusual behavior alone are not criminal offenses. Persons may benefit from treatment as opposed to incarceration.

Officers interacting with a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request local law enforcement and/or available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible without compromising safety, turn off flashing and bright lights.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime and report the same to local law enforcement, if applicable.
- (i) Notify a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining the cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.
- (l) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

Fresno County Probation Department

Probation Manual

Probation Manual

Crisis Intervention Incidents

505.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm and courteous, and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent, or suicidal.
- Argue, or use threats to obtain compliance.

505.7 INCIDENT ORIENTATION

When encountering an incident that may involve mental illness or a mental health crisis, the officer should request critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication or may not be taking medication as prescribed.
- (b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous probation or other law enforcement response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources should be requested and a supervisor should be notified as warranted.

505.8 SUPERVISOR RESPONSIBILITIES

If necessary, a supervisor should do the following:

- (a) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (b) Conduct an after-action tactical and operational debriefing, if needed.
- (c) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

Fresno County Probation Department

Probation Manual

Probation Manual

Crisis Intervention Incidents

505.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

505.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Members, including but not limited to clerical staff, may interact with persons in crisis in an administrative capacity, such as during records requests or phone calls.

- (a) Members should treat all persons equally and with dignity and respect.
- (b) If during an interaction, a member believes a person is in crisis, the member should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may self-harm or be harmful to others, an officer should be promptly summoned to provide assistance.

505.11 EVALUATION

Each incident should be reviewed with analysis by the supervisor and Division Deputy Chief input. The findings and any recommendations shall be submitted to the Chief Probation Officer through the chain of command.

505.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide education and training to all department members to enable them to effectively interact with persons in crisis.

505.13 ISSUED DATE

- 04/20/2020

Rapid Response and Deployment

507.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces, and other locations by individuals or a group of individuals who are determined to kill persons and to create mass casualties presents a difficult situation for peace officers. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

507.2 POLICY

The Fresno County Probation Department will plan for rapid response to crisis situations, and strive to coordinate response planning with other emergency services as well as with those who are responsible for operating potential sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

507.3 CONSIDERATIONS

When dealing with a crisis situation, members should:

- (a) Attempt to attain a tactical advantage over the suspect by reducing, preventing, or eliminating any known or perceived threat.
- (b) Obtain, explore, and analyze sources of intelligence and known information regarding the circumstances, location, and suspect involved in the incident.
- (c) Assess the immediate situation and take reasonable steps to maintain operative control of the incident until relieved by responding law enforcement agency.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of any hostages.

507.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent, or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat, or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to incidents at other locations.

When deciding on a course of action, officers should consider:

Fresno County Probation Department

Probation Manual

Probation Manual

Rapid Response and Deployment

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of defensive weapons, control devices, and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

507.5 PLANNING

The Chief Probation Officer or the authorized designee should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites at the Fresno County Probation Department, such as buildings, including detention facilities, and parking areas.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Field supervision first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.

507.6 TRAINING

The Training Assistant Deputy Chief should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites at the Fresno County Probation Department, such as buildings, including detention facilities, and parking areas.

Fresno County Probation Department

Probation Manual

Probation Manual

Rapid Response and Deployment

- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Field supervision first-response training, including shotgun familiarization and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training.

507.7 ISSUED DATE

- 04/20/2020

Immigration Violations

508.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Fresno County Probation Department relating to immigration and interacting with federal immigration officials.

508.1.1 DEFINITIONS

The following definition applies to this policy (Government Code § 7284.4):

Immigration enforcement – Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

508.2 POLICY

It is the policy of the Fresno County Probation Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

508.3 VICTIMS AND WITNESSES

To encourage cooperation, all persons, regardless of their immigration status, must feel secure that contacting or being contacted by members of the Fresno County Probation Department will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all persons equally and not in any way that would violate the United States or California constitutions or California law.

508.4 IMMIGRATION STATUS AND DETENTIONS

Immigration status may be reported to the court as required. Any reasonably discovered change in the immigration status of any person or any discrepancy in the record about the person's immigration status shall be documented and reported to the court.

No persons shall be detained solely for the purpose of waiting for information from immigration officials (Government Code § 7284.6).

508.4.1 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into a person's immigration status for immigration enforcement purposes (Government Code § 7284.6).

Fresno County Probation Department

Probation Manual

Probation Manual

Immigration Violations

508.4.2 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Additionally, members shall not use the CLETS system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

508.4.3 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the Department of Motor Vehicles for the purpose of immigration enforcement (Vehicle Code § 1808.48).

508.5 FEDERAL REQUEST FOR ASSISTANCE

Requests by federal immigration officials for assistance from this Department shall be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance is permitted under the California Values Act (Government Code § 7284.2 et seq.) in conjunction with legal counsel, if necessary.

508.6 INFORMATION SHARING

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

No member of this Department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any person (8 USC § 1373):

- (a) Sending information to or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in Department records
- (c) Exchanging such information with any other federal, state, or local government entity

508.6.1 INFORMATION SHARING FOR JUVENILES

All juvenile information, including, but not limited to, name, date or place of birth, 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 (831 WIC). Juvenile information shall 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 pursuant to WIC 827(a)(4) (WIC 831(d)).

508.7 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Fresno County Probation Department

Probation Manual

Probation Manual

Immigration Violations

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status shall be forwarded in a timely manner to the appropriate prosecutor or the appropriate law enforcement agency.

508.8 TRAINING

The Training Assistant Deputy Chief shall ensure officers receive immigration training on this policy. Training shall include prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

508.9 REFERENCES

See Immigration Violations Procedure for additional guidance

508.10 ISSUED DATE

- 03/23/2020

508.10.1 REVISED DATE(S)

- 11/16/2020
- 04/17/2023

Mobile Computer Use

509.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Computer system in order to ensure proper access to confidential records from local, state, and national law enforcement databases.

See Information Technology Use and Protected Information policies for additional guidance.

509.2 POLICY

Fresno County Probation Department members using the Mobile Computer shall comply with all appropriate federal and state rules and regulations and shall use the Mobile Computer in a professional manner, in accordance with this policy.

509.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received, or reviewed on any department technology system

509.4 RESTRICTED ACCESS AND USE

Members shall immediately report unauthorized access or use of the Mobile Computer by another member to their supervisors.

Use of the Mobile Computer system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the Mobile Computer system unless directed to do so by a supervisor. Members are required to log off the Mobile Computer or secure the Mobile Computer when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

509.4.1 USE WHILE DRIVING

Use of the Mobile Computer by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical, or safety needs shall be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

Fresno County Probation Department

Probation Manual

Probation Manual

Mobile Computer Use

509.5 STATUS CHANGES

509.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) should be transmitted over the department radio or through the Mobile Computer system. This is applicable for mobile computers with department-issued software.

Officers responding to in-progress calls shall advise changes in status over the radio to assist other officers responding to the same incident. Other changes in status can be made on the Mobile Computer when the vehicle is not in motion.

509.6 ISSUED DATE

- 04/20/2020

Portable Audio/Video Recorders

510.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems.

This policy does not apply to interviews or interrogations conducted at any Fresno County Probation Department facility, authorized undercover operations, wiretaps, or eavesdropping (concealed listening devices).

510.2 POLICY

The Fresno County Probation Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

510.3 COORDINATOR

The Chief Probation Officer or the authorized designee shall designate a coordinator responsible for (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing, and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting, and copying of recordings, and ensure chain of custody integrity.
- (f) Working with Counsel to ensure an appropriate retention schedule is applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

510.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

510.5 OFFICER RESPONSIBILITIES

When using a recorder in the field, the assigned officer shall record their name, Fresno County Probation Department identification badge number, and the current date and time at the beginning and the end of the shift or other period of use, when activity was recorded. This procedure is not

Fresno County Probation Department

Probation Manual

Probation Manual

Portable Audio/Video Recorders

required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Officers shall document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the officer deactivated the recording. Officers shall include the reason for deactivation.

510.5.1 SUPERVISOR RESPONSIBILITIES

Supervisors shall take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death, or other serious incident and ensure the data is downloaded (Penal Code § 832.18).

510.6 USE OF THE AUDIO/VIDEO RECORDER

510.6.1 CESSATION OF RECORDING

Once activated, the portable recorder shall remain on continuously until the member reasonably believes the member's direct participation in the incident is complete. Recording may be stopped during significant periods of inactivity, such as report writing, meal breaks, or other breaks from direct participation in the incident.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious adviser, or physician unless there is explicit consent from all parties to the conversation (Penal Code § 636).

510.6.2 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

California law prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation is private or confidential. However, California law exempts officers from this prohibition during the course of a criminal investigation under the direction of the prosecuting attorney or investigating member of the local law enforcement agency as set forth in Penal Code § 633. Nothing in this section is intended to interfere with an officer's right to openly record any interrogation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief Probation Officer or the authorized designee.

510.6.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

510.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in an official capacity.

Fresno County Probation Department

Probation Manual

Probation Manual

Portable Audio/Video Recorders

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Chief Probation Officer. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment, or ridicule.

510.7.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

510.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members shall download, tag, or mark these recordings in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag, or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil, or administrative matters.
- (b) A complainant, victim, or witness has requested nondisclosure.
- (c) A complainant, victim, or witness has not requested nondisclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member shall promptly notify a supervisor of the existence of the recording.

510.9 RETENTION OF RECORDINGS

Recordings of the following shall be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incidents involving use of force by an officer
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual

Fresno County Probation Department

Probation Manual

Probation Manual

Portable Audio/Video Recorders

- (d) Recordings relevant to a formal or informal complaint against an officer or the Fresno County Probation Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings shall be retained permanently (Penal Code § 832.18).

510.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

510.10 REVIEW OF RECORDED MEDIA

When preparing written reports, members may be permitted to review audio or video recordings as a resource if available. (See the Officer-Involved Shootings and Deaths Policy for guidance in those cases and applicable procedures to this policy.) However, members shall not retain personal copies of recordings (audio or video). Members shall not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing a member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief Probation Officer or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings shall be reviewed by the Chief Probation Officer or the authorized designee prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity shall not be publicly released unless disclosure is required by law or order of the court.

See Procedures Manual on Portable Audio/Video Recorders for further information.

- [Portable Audio/Video Recorder Procedures](#)

Fresno County Probation Department

Probation Manual

Probation Manual

Portable Audio/Video Recorders

510.11 ISSUED DATE

- 11/30/2020

Public Recording of Members with the Fresno County Probation Department

511.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which the public photographs or audio/video records member's actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

511.2 POLICY

The Fresno County Probation Department recognizes the right of the public to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully by local law enforcement having jurisdiction.

Members should exercise restraint before seeking arrests for offenses such as interference, failure to comply, or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

511.3 RECORDING A MEMBER'S ACTIVITY

Members of the public who wish to record a member's activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the public has the legal right to be present.
- (b) Beyond the act of photographing or recording, members of the public may not interfere with a member's activity. Examples of interference include but are not limited to:
 1. Tampering with a witness or suspect.
 2. Inciting others to violate the law.
 3. Being so close to the activity as to present a clear safety hazard to members.
 4. Being so close to the activity as to interfere with a member's effective communication with a witness or supervised person.
 5. Impeding a member's ability to conduct their lawful activities.
- (c) The member of the public may not present an undue safety risk to self, to the member, or to others.

See Procedure Manual on Public Recording of a Member's Activity with the Fresno County Probation Department Procedures for further information.

- [Public Recording of a Members Activity with the Fresno County Probation Department Procedures](#)

Fresno County Probation Department

Probation Manual

Probation Manual

Public Recording of Members with the Fresno County Probation Department

511.4 OFFICER RESPONSE

Whenever reasonable, members on scene shall give clear and concise warnings to members of the public who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing members of the public to clear the area, members may advise members of the public that they may continue observing and recording from the sidewalk across the street.

When reasonable, and if appropriate, members shall promptly contact a supervisor to determine if a supervisor or a law enforcement agency response to the scene is necessary whenever it appears that a member of the public's recording activities may be interfering with an investigation, or it is believed that the recording may be evidence. If reasonable and if it is determined that a supervisor or law enforcement presence is required, members shall wait for the supervisor or law enforcement to arrive before taking enforcement action, or before seizing any cameras or recording media. Members will remain at their assigned area absent an immediate threat.

If an arrest or other significant enforcement activity results due to a recording that interferes with a member's activity, members and supervisors (if on scene) shall document in a report the nature and extent of the interference, or other unlawful behavior, and details regarding the warnings that were issued.

511.5 SUPERVISOR RESPONSIBILITIES

If a supervisor responds to the scene, they should review the situation with the member and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with members of the public who are observing or recording regarding any appropriate limitations on their location or behavior. When reasonable, the encounter should be recorded.
- (c) When reasonable, allow adequate time for members of the public to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure, or other actions are constitutional and consistent with this policy and state law.
- (e) Explain alternatives for members of the public who wish to express concern about the conduct of department members, such as how and where to file a complaint.

511.6 SEIZING RECORDINGS AS EVIDENCE

Members shall not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the member of the public recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the member of the public.
 1. Absent exigency or consent, a member shall make reasonable efforts to contact a law enforcement agency to allow that agency to take the appropriate measures with securing a warrant before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

Fresno County Probation Department

Probation Manual

Probation Manual

Public Recording of Members with the Fresno County Probation Department

- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The recording member of the public consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. When feasible, the member shall turn over the device to a law enforcement agency to investigate.
 - 3. If the original recording is provided, a copy of the recording shall be provided to the recording party, if reasonable. The recording party shall be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from the recording party's device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property Policy.

511.7 ISSUED DATE

- 02/04/2021

Medical Aid and Response

512.1 PURPOSE AND SCOPE

This policy recognizes that members may encounter persons in need of medical aid and establishes an appropriate response to such situations.

512.2 POLICY

It is the policy of the Fresno County Probation Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

512.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Members trained in the use of CPR shall carry a department issued CPR mask/shield on their person when going in the field. While in the office, members must have the CPR mask/shield readily available.

Officers trained in Combat Medical Care have an option when going in the field to wear the issued Trauma Kit on their person or store it in the vehicle with the other first aid supplies (must bring it back in the office once the member returns).

Prior to initiating medical aid, the member should request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing. Members going in the field to make contact with persons under supervision shall have nitrile gloves in their possession.

When requesting EMS, the member should provide information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the member.
 2. Changes in apparent condition.
 3. Number of patients, sex, and age, if known.

Fresno County Probation Department

Probation Manual

Probation Manual

Medical Aid and Response

4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.
6. Whether the person has any known medical conditions.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

512.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

Officers shall accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

512.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a member shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision, and the lack of immediate medical attention may result in serious bodily injury to or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Civil Commitments Policy.

If the officer believes that a person who is in custody requires EMS care and the person refuses, the officer should encourage the person to receive medical treatment. The officer may also consider contacting a family member of the person to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer shall require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

Fresno County Probation Department

Probation Manual

Probation Manual

Medical Aid and Response

512.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

512.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints and Control Devices policies.

512.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course.

512.7.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles if provided should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Assistant Deputy Chief who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should, as soon as possible, request response by EMS.

512.7.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

512.7.3 AED TRAINING AND MAINTENANCE

The Training Assistant Deputy Chief should ensure appropriate training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection.

The Training Assistant Deputy Chief, while working with the Safety Coordinator, is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

512.8 ISSUED DATE

- 05/06/2020

Fresno County Probation Department

Probation Manual

Probation Manual

Medical Aid and Response

512.8.1 REVISED DATES

- 04/13/2021
- 09/16/2021

Suspicious Activity Reporting

513.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

513.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability shall not be considered as factors that create suspicion. Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related persons on supervision).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

513.2 POLICY

The Fresno County Probation Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain, and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

513.3 RESPONSIBILITIES

The Chief Probation Officer or the authorized designee shall appoint authorized members to manage SAR activities when necessary. Authorized members shall report suspicious activities to Department supervisors as outlined in the Protected Information Policy.

Member responsibilities include but are not limited to:

- (a) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

Fresno County Probation Department

Probation Manual

Probation Manual

Suspicious Activity Reporting

- (b) Coordinating investigative follow-up, if appropriate.
- (c) Coordinating with local law enforcement, any other appropriate agency, or fusion center.

513.4 REPORTING AND INVESTIGATION

Any Department member receiving information regarding suspicious activity shall take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information shall ensure that it is passed on to Department members in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member shall prepare a SAR (incident report) and include information about the involved parties and the circumstances of the incident. If during any investigation a member becomes aware of suspicious activity that is unrelated to the current investigation, the information shall be documented separately in a SAR and not included in the original incident report. The report number of the original incident shall be included in the SAR as a cross-reference. A SAR shall be processed as any other incident report.

513.5 HANDLING INFORMATION

The Assistant Deputy Chief will forward copies of SARs, in a timely manner, to:

- The Chief Probation Officer or the authorized designee.
- Local law enforcement.
- Other authorized designees.

513.6 ISSUED DATE

- 11/30/2020

Task Force

514.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when participating in task force (TF) operations.

514.2 POLICY

It is the policy of the Fresno County Probation Department to improve public safety and reduce violent crime through proactive collaboration with law enforcement task forces.

514.3 AGENCY INVOLVEMENT

Participation in TF operations provides access to multi-jurisdictional resources for apprehending persons who have absconded from supervision or who have otherwise violated the law and/or supervision conditions.

Department participation in TF operations is subject to the approval of the Chief Probation Officer or the authorized designee.

Department will not participate in task force activities where the sole intent is to apprehend subjects in violation of federal immigration laws. Refer to California Values Act (Government Code § 7284.6).

514.3.1 REQUESTS FOR AGENCY INVOLVEMENT

Initial requests for participation in a TF or TF operation should be routed to the Chief Probation Officer for approval. In some instances, a memorandum of understanding (MOU) or other established protocol may exist that eliminates the need for approval of individual requests.

514.3.2 OFFICER OPERATIONAL ACTIVITY

Officers involved in TF operations should confirm the existence of, time period of coverage, and prior Chief Probation Officer approval for any MOU or established protocol prior to engaging in TF operational activity.

When engaged in TF operational activity or when rendering assistance pursuant to a TF agreement, officers must conform to applicable laws and the policies of this department unless previously approved by the Chief Probation Officer.

Requests for emergency assistance unrelated to TF operations and enforcement action taken outside the jurisdiction of the department unrelated to TF operations are governed by the Outside Agency Assistance and Probation Authority policies.

514.4 TEMPORARY DETENTION AND TRANSPORT

TF operation arrestees should only be temporarily detained and/or transported by this department pursuant to the Transporting Persons in Custody Policy unless previously approved by the Chief Probation Officer.

Fresno County Probation Department

Probation Manual

Probation Manual

Task Force

514.5 REPORTING REQUIREMENTS

Original reports of investigations, evidence seized, and other materials generated or collected by the TF operation should be retained by the agency responsible for the case. However, evidence may be turned over to other law enforcement agencies as appropriate pursuant to the Property Policy. Copies of investigative reports and other materials may be provided to other agencies in accordance with applicable laws, TF rules, and Records Maintenance and Release Policy.

514.6 MANDATORY SHARING AND TRAINING

When equipment and/or supplies maintained by the department have been purchased with federal funds or grants and are subject to agency sharing requirements, the Chief Probation Officer or the authorized designee should regularly document:

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

Copies of this documentation should be maintained by the Chief Probation Officer or the authorized designee.

The Training Assistant Deputy Chief should maintain records documenting that the appropriate members have received the required training.

514.7 NEWS MEDIA

Media inquiries should be referred to the Task Force Coordinator of the agency responsible for coordinating the activities of the TF.

514.8 ISSUED DATE

- 05/06/2020

Operations Planning and Deconfliction

515.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction, and execution of high-risk operations.

515.1.1 DEFINITIONS

Definitions related to this policy include:

Deconfliction- The process of determining when law enforcement personnel are conducting an event in close proximity to one another at the same time. Events include law enforcement actions such as raids, undercover operations, surveillance, or executing search warrants. When certain elements (e.g., time, date, or location) are matched between two or more events, a conflict results. Immediate notification is then made to the affected agencies or personnel regarding the identified conflict.

High-risk operations - The Safety Review Checklist will be utilized to determine if an operation is considered high risk.

Regional deconfliction systems- Information-sharing programs funded by the U.S. Federal government whose purpose is to connect databases from local law enforcement so that they can use each other's data for criminal investigations.

515.2 POLICY

It is the policy of the Fresno County Probation Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations, and prevent duplicating efforts.

515.3 OPERATIONAL LEAD

The Assistant Deputy Chief or the authorized designee will assign an officer to function as the Operational Lead. The Operational Lead's duties shall include operational planning, strategy, and coordination. The Operational Lead is also responsible for screening locations deemed high risk (based on the Safety Review Checklist) with the manager or the authorized designee. Generally, the lead will make basic decisions for all aspects of the operation. The ranking officer (ADC or DPO IV) on the operation will provide oversight and take control of tactical and administrative issues when appropriate.

The operation plan will be approved by a Assistant Deputy Chief or the authorized designee and will be forwarded to the respective Division Deputy Chief.

515.4 OPERATION REVIEW

Officers will present the operation packet and other relevant documents (such as copies of search warrants, affidavits and arrest warrants) to the Operational Lead.

The Operational Lead shall ensure the Safety Review Checklist has been completed, and determine if authorization is required. The manager or the authorized designee and Operational

Fresno County Probation Department

Probation Manual

Probation Manual

Operations Planning and Deconfliction

Lead shall confer and determine the level of risk. The manager or the authorized designee shall take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

See Operations Planning and Deconfliction procedures for content required in operation packets.

515.4.2 HIGH-RISK OPERATIONS

If the Operations Lead, after consultation with the involved manager or the authorized designee, determines that the operation is high risk, the following shall be the next steps taken:

- (a) Consult the operation plan with a Division Deputy Chief or the authorized designee
- (b) The Division Deputy Chief or the authorized designee shall determine if input should be sought from a local law enforcement task force or specialized entities (i.e., Gang Unit, apprehension teams, etc.
- (c) A determination of needed additional resources will be made with the task force or specialized entities for the operation location. The identified task force or specialized entities may contact and/or place on standby any of the following appropriate and available resources:
 - 1. Specialty Units/Tactical Teams
 - 2. Additional personnel
 - 3. Outside agency assistance, including local law enforcement
 - 4. Special equipment
 - 5. Medical personnel
 - 6. Persons trained in negotiation
 - 7. Additional surveillance
 - 8. Canines
 - 9. Property and Evidence Section or analytical personnel to assist with cataloging seizures
 - 10. Forensic specialists
 - 11. Specialized mapping for larger or complex locations
 - 12. Animal Control
 - 13. Aerial Support
- (d) Contact the appropriate department members or other agencies as warranted to begin preparation.
- (e) Ensure that all legal documents such as Court Orders, search or arrest warrants are complete, and have any modifications reasonably necessary to support the operation.
- (f) Coordinate the actual operation if approval is given for a joint response operation, and a notification will be sent to the Chief Probation Officer.

Fresno County Probation Department

Probation Manual

Probation Manual

Operations Planning and Deconfliction

515.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or probation operations, and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups, or locations.

Whenever an officer has a reasonable belief that a potential investigative conflict exists, the Operational Lead shall utilize an applicable deconfliction system to determine if there is reported conflicting activity, when deemed appropriate. In the event that access to a deconfliction system is not possible, officers should contact the agency of jurisdiction for that residence and inquire about any potential conflicts. This should occur as early in the process as practicable, but no later than forty-eight hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the manager or the authorized designee will contact the involved agency/jurisdiction and resolve the potential conflict before proceeding.

515.6 OPERATIONS PLAN

The Operational Lead shall ensure that an operation packet cover sheet and operation location list is developed for all probation search or warrant operations.

Operation packets (including the Safety Review Checklists) are not required for routine contacts when the officer does not intend to conduct a probation search or arrest. Examples of routine contacts include, but are not limited to, the following: address verifications, jail visits, community contacts, program visits, school visits, front door contacts, or other contacts as approved by a supervisor or the authorized designee.

An Operation location list shall be completed and provided to a supervisor for all residential contacts, unless an exception is made by a supervisor.

See Operations Planning and Deconfliction procedures for content related to operation plans.

515.6.1 OPERATIONS PLAN RETENTION

Operations Packets shall be retained in the Probation file in accordance with the established records retention schedule.

515.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any field operations to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities, and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location unless requested by a team member or when exigent circumstances exist.

See Operations Planning and Deconfliction procedures for topics to be covered in briefing.

Fresno County Probation Department

Probation Manual

Probation Manual

Operations Planning and Deconfliction

515.8 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief Probation Officer. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

515.9 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible.

515.10 TRAINING

Supervisor, in coordination with the Training Assistant Deputy Chief, shall ensure officers who participate in operations subject to this policy receive periodic training, including but not limited to topics such as legal issues, deconfliction practices, operations planning concepts, and reporting requirements.

515.11 ISSUED DATE

- 05/27/2022

Transporting Persons in Custody

516.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Fresno County Probation Department.

Additional guidance can be found in the Medical Aid and Response Policy.

516.2 POLICY

It is the policy of the Fresno County Probation Department to make reasonable efforts to protect the safety of persons in custody while they are being transported.

516.3 CHIEF PROBATION OFFICER RESPONSIBILITIES

The Chief Probation Officer or the authorized designee is responsible for reviewing the safety and restraint systems for all vehicles used to transport persons in custody. The review shall ensure the restraint systems comply with the law and shall determine whether they reasonably meet the needs of the Department. Safety systems should allow for transporting members to be in constant and reasonably clear audio contact with each person being transported.

The Chief Probation Officer or the authorized designee should establish related procedures for safely transporting persons in custody who have their legs restrained in some manner other than leg shackles.

516.4 TRANSPORTING MEMBER RESPONSIBILITIES

Members transporting a person in custody in a department vehicle should ensure:

- (a) All areas of the vehicle accessible to a person in custody are searched before and after each transport.
- (b) All persons in custody are searched prior to a transport.
- (c) All persons are properly restrained in the vehicle's safety restraint system in a seated position.
- (d) Any person behaving in a manner so violent or uncooperative that the person cannot or will not sit upright is considered as possibly being in need of medical aid, see the Medical Aid and Response Policy.
- (e) A verbal welfare check is made with a person in custody every 10 minutes or less.
- (f) Transport is accomplished in a direct and timely manner.
- (g) The same consideration is shown to a person in custody as would be reasonably shown to any other passenger during transport (e.g., avoiding loud or objectionable music, rough rides, excessive heat or cold).
- (h) Persons suspected of having a communicable disease are transported in compliance with the exposure control plan.

Fresno County Probation Department

Probation Manual

Probation Manual

Transporting Persons in Custody

- (i) Persons in custody are transported individually when practical, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.
- (j) Persons in custody should not be transported in vehicles without safety barriers.
- (k) When necessary, Law Enforcement Dispatch is advised of:
 - 1. The time when a transport begins and the vehicle's mileage.
 - 2. The time, vehicle's mileage, and reason for any stops.
 - 3. The time of arrival at the destination and the vehicle's mileage.
- (l) Reasonable efforts are made to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.
- (m) Sufficient visual observation and communication is maintained to determine whether a person is experiencing any stress or trauma during the transport of:
 - 1. Persons who were placed in any restraints beyond just handcuffs due to their violent or uncooperative behavior (see the Handcuffing and Restraints Policy).
 - 2. Persons wearing a spit hood.
 - 3. Persons who are a suspected suicide risk.
 - 4. Persons who are ill or injured.

516.5 PROHIBITIONS

Transporting members should not:

- (a) Transport juveniles with adults.
- (b) Transport female arrestees with male arrestees. When possible, transgender or intersex persons should be transported with persons of the gender they identify with if circumstances do not allow for single transport. When a sole male officer is transporting a female arrestee, the officer shall notify dispatch of the time of departure, location, starting and ending mileage, and time of arrival.
- (c) Transport persons with known hostilities toward each other together, such as mutual combatants or rival gang members.
- (d) Leave the vehicle unattended with a person in custody inside.
- (e) Leave a vehicle with its keys or an unsecured weapon inside with a person in custody in the vehicle.
- (f) Handcuff a person to any part of a vehicle.
- (g) Place a person in custody in an unreasonable risk of harm (e.g., engaging in a pursuit, responding to a high-risk incident).
- (h) Allow any person who is not in custody (i.e., friends, family) to have contact with or be in close proximity to the person in custody.

Fresno County Probation Department

Probation Manual

Probation Manual

Transporting Persons in Custody

- (i) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.

516.6 SPECIFIC TRANSPORTATION ISSUES

516.6.1 TRANSPORTING PERSONS WITH DISABILITIES

When transporting a person with a disability, a transporting member should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting member should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported in such a manner that it not be damaged or pose a security threat. For pregnant persons, refer to the Handcuffing and Restraints Policy.

516.6.2 TRANSPORTING ILL OR INJURED PERSONS

See the Medical Aid and Response Policy.

516.6.3 DELIVERING A PERSON IN CUSTODY TO A FACILITY

Members delivering persons to other facilities (e.g., hospital, other agency, court, jail) should:

- (a) Secure weapons in a manner mandated by the facility or in a manner that is appropriate for the facility.
- (b) Remove restraints in coordination with facility personnel.
- (c) Deliver the appropriate documentation concerning the person to facility personnel.
- (d) Notify the receiving facility of any known medical or safety issues, including whether restraints beyond handcuffs were applied due to the person's violent or uncooperative behavior.

516.6.4 LONG-DISTANCE TRANSPORTS

Absent exigent circumstances, members should only stop during long-distance transports for:

- Fuel
- Meals
- Restroom breaks

Where practicable, time-stamped receipts for purchases should be retained and all stops should be logged in a manner that includes the following:

- The time when a transport begins and the vehicle's mileage
- The time, vehicle's mileage, and reason for any stops
- The time of arrival at the destination and the vehicle's mileage

516.6.5 TRANSPORT VAN

A member trained on the safety and restraint systems of a transport van should be present during its use for transporting a person in custody. Training regarding the use of the van's safety and restraint systems shall be followed.

Fresno County Probation Department

Probation Manual

Probation Manual

Transporting Persons in Custody

A member should assist persons getting into and out of the transport van to avoid falls.

516.7 TRAINING

The Training Assistant Deputy Chief should ensure that members receive training on proper procedures for transporting persons in custody.

516.8 ISSUED DATE

- 03/09/2020

Asset Forfeiture

517.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

517.1.1 DEFINITIONS

Definitions related to this policy include:

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Fiscal agent - The Deputy Chief responsible for the Department's financial oversight shall secure and maintain seized assets and distribute any proceeds realized from any forfeiture proceedings. This includes any time the Department seizes property for forfeiture or when the Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture reviewer - The Department member assigned by the Chief Probation Officer who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department, fiscal agent, and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

- (a) Property related to a narcotics offense, which includes (Health and Safety Code § 11470; Health and Safety Code § 11470.1):
 1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc. (Health and Safety Code § 11470(c)).
 2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances (Health and Safety Code § 11470(e)).
 3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc. (Health and Safety Code § 11470(f)).
 4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses), with respect to that property, and as discussed further in 517.3.2, below. However, property used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use are not subject to forfeiture (Health and Safety Code § 11470(g)).
- (b) The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors shall be recoverable upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors (Health and Safety Code § 11470.1(a)).

Fresno County Probation Department

Probation Manual

Probation Manual

Asset Forfeiture

- (c) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):
 - 1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity (Penal Code § 186.3(b)).
 - 2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity (Penal Code § 186.3(c)).

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

517.2 POLICY

The Fresno County Probation Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime, and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety, or any person's due process rights.

It is the policy of the Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

Prior to initiating asset forfeiture proceedings, the investigating officer shall receive approval from a supervisor trained in asset forfeiture. The supervisor shall consider requesting assistance from a law enforcement agency of the appropriate jurisdiction to determine if that agency should take the primary role in the seizure of the asset.

517.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

517.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.
- (b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):
 - 1. The property subject to forfeiture is legally seized incident to an arrest (Health and Safety Code § 11471(a)).
 - 2. There is probable cause to believe that the property is directly or indirectly dangerous to health or safety (Health and Safety Code § 11471(b)).
 - 3. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing

Fresno County Probation Department

Probation Manual

Probation Manual

Asset Forfeiture

officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture (Health and Safety Code § 11471(d)).

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney to request a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

517.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471(e)).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect, and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470(e)).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

517.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms to the forfeiture reviewer within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the Division Deputy Chief responsible for the Department's financial oversight or the authorized designee within two days of seizure.

Fresno County Probation Department

Probation Manual

Probation Manual

Asset Forfeiture

The seizing officer will book seized property as evidence with the notation "Seized Subject to Forfeiture" in the comment section of the property form. Property seized subject to forfeiture shall be booked on a separate property form. No other evidence from the case shall be booked on this form.

Photographs shall be taken of items seized, particularly cash, jewelry, and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) shall document and forward the information in the appropriate report to the forfeiture reviewer.

517.5 MAINTAINING SEIZED PROPERTY

The Property Room Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

517.6 FORFEITURE REVIEWER

The Chief Probation Officer will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer shall attend a Department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq., and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel, and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
- (d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture, as prohibited by Health and Safety Code § 11471.2(a).
- (e) Ensuring that individual agency responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

Fresno County Probation Department

Probation Manual

Probation Manual

Asset Forfeiture

- (f) Ensuring that seizure forms are available and appropriate for Department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and shall contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which shall be given to the person from whom cash or property is being seized, which includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive annual training from the California District Attorney's Association in the proper use of the seizure forms and the forfeiture process. The training shall be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training shall cover this policy and address any relevant statutory changes and court decisions. Alternative trainings may be approved or substituted as authorized by the Chief Probation Officer or the authorized designee.
- (h) Reviewing each asset forfeiture case to ensure that:
 - 1. Written documentation of the seizure and the items seized is in the case file.
 - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
 - 4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
 - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 - 6. Any cash received is deposited with the fiscal agent.
 - 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 - 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 - 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

Fresno County Probation Department

Probation Manual

Probation Manual

Asset Forfeiture

- (i) Ensuring that a written plan is available in the event of the extended absence of the forfeiture reviewer, which will provide the Chief Probation Officer with the contact information for other law enforcement officers and attorneys who may assist in these matters.
- (j) Coordinating with the fiscal agent and County Counsel to ensure that the process of selling or adding forfeited property to the Department's regular inventory is in accordance with all applicable laws and consistent with the Department's use and disposition of similar property.
- (k) Coordinating with the fiscal agent to keep a manual that details the statutory grounds for forfeitures and Department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Health and Safety Code § 11469(d)).
- (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health and Safety Code §11471(f)).
- (m) Coordinating with the fiscal agent to notify the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds \$5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds shall be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures shall be completed in the manner prescribed by the law and County financial directives (Health and Safety Code § 11495(a)).

517.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Health and Safety Code § 11469(b)).

The Department may request a court order so that certain uncontaminated science equipment may be relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473(b); Health and Safety Code § 11473.5(b)).

517.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent a required conviction as described under Health and Safety Code § 11471.2(b). This conviction requirement does not apply to forfeited cash or negotiable instruments of \$40,000 or more or if the defendant willfully fails to appear as required, intentionally flees to evade prosecution, or is deceased (Health and Safety Code § 11471.2(b)). State and federal forfeiture laws regarding equitable sharing are subject to change. Any equitable sharing agreement shall be in accordance with federal and state laws.

Fresno County Probation Department

Probation Manual

Probation Manual

Asset Forfeiture

517.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4(d)).

517.9 ISSUED DATE

- 11/30/2020

Chapter 6 - Equipment

Department-Owned, Personal Property and Personal Protective Equipment

600.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another person or entity, or department-owned property is damaged or lost. This policy also identifies types of personal protective equipment (PPE) provided by the Department.

This policy does not address ballistic or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

Members are expected to properly care for Department-owned property issued to them.

600.2 POLICY

The Fresno County Probation Department will issue, make available, or allow officers to wear, safety equipment and PPE's for those staff that are authorized and trained to use such equipment. The Department will take steps to minimize the cost associated with maintaining department property, including personal property authorized for use in each Member's duties.

600.3 DEPARTMENT/AGENCY-ISSUED PROPERTY

The Chief Probation Officer or the authorized designee shall document all property and equipment issued by the Department in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving Member's signature. Upon separation from the Department, a Member shall return all issued property and equipment to the Department. The designated supervisor shall acknowledge and sign documentation of the returned Department property.

600.3.1 MEMBER RESPONSIBILITIES

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use, of department property that has been assigned or entrusted to them.

- (a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- (c) Except when otherwise directed by a supervisor or when exigent circumstances exist, department-issued property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval from the Chief Probation Officer or the authorized designee.

Fresno County Probation Department

Probation Manual

Probation Manual

Department-Owned, Personal Property and Personal Protective Equipment

- (e) Members shall obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.
- (f) All designated armed Members shall have their Department-issued equipment available to go out in the field while they are on duty.
- (g) It is the personal responsibility of each Member to properly secure Department-issued safety equipment when it is not on his/her person.
- (h) Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.
- (i) Any Member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE, or additional needs for PPE.

600.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty, which will replace the equipment that has been issued by the Department, requires prior written approval by the Chief Probation Officer or appropriate Division Deputy Chief. The Member shall submit a request that includes a description of the property and the reason and length of time it will be used.

The Department will not replace or repair personal items (e.g., cell phone, jewelry, expensive watches) that are damaged while a Member is at work, which are not reasonably required as part of Department work.

600.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

A Member requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the member's immediate supervisor. The supervisor may require a separate written report.

Upon review by the Division Deputy Chief and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief Probation Officer, who will then forward the claim to the County department responsible for issuing payments.

600.5 SUPERVISOR RESPONSIBILITIES

The supervisor receiving a report that property has been damaged, including personal property authorized for use, shall conduct an investigation and direct a memo/incident report to the appropriate Division Deputy Chief. The memo/incident report shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

Cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property shall be handled in accordance with the Standards of Conduct and Personnel Complaints policies.

Fresno County Probation Department

Probation Manual

Probation Manual

Department-Owned, Personal Property and Personal Protective Equipment

600.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY

A Member who intentionally or unintentionally damages or causes to be damaged the real or personal property of another person or entity while performing any Department function shall promptly report the damage through the chain of command.

600.6.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the Fresno County Probation Department or of another person while performing their duties within the jurisdiction of this department. The department Member present or the Member responsible for the property shall to report the damage as follows:

- (a) A verbal report shall be made to the Member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted to the Member's immediate before the Member goes off-duty or as otherwise directed by the supervisor.

600.7 PERSONAL PROTECTIVE EQUIPMENT

Department Members will have access to the appropriate PPE (e.g., gloves, ear protection, eye protection, disposable respiratory masks) at no cost to the individual Members.

600.8 HEARING PROTECTION

Approved hearing protection shall be used by Members during firearms training. Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

600.9 EYE PROTECTION

Approved eye protection shall be used by Members during firearms training, or during situations in which eye protection may be warranted. Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Training Assistant Deputy Chief or the authorized designee shall ensure eye protection meets or exceeds the requirements of 8 CCR 3382.

600.10 DISPOSABLE PARTICULAR MASKS

A class of disposable respirators approved by the California Division of Occupational Safety and Health (Cal/OSHA) shall be utilized by Members, in accordance with 8 CCR 5144 Information will be provided to each Member on the fitting and wearing of the disposable mask.

600.11 ISSUED DATE

- 09/21/2020

600.11.1 REVISED DATE(S)

- 11/05/2020

Personal Communication Devices

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

601.2 POLICY

The Fresno County Probation Department allows members to utilize Department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under the California Public Records Act (CPRA) (Government Code § 6250 et seq.).

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff. (See Management Directive 1500).

601.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities (see the Information Technology Use Policy for additional guidance).

601.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT

No member is authorized to be the sole possessor of a Department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed, or used by any member as directed by a supervisor without notice. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with the California Electronic Communications Privacy Act (Penal Code § 1546; Penal Code § 1546.1).

Fresno County Probation Department

Probation Manual

Probation Manual

Personal Communication Devices

601.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty, unless authorized by the Chief Probation Officer or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is an exempt employee or expressly authorized by the Chief Probation Officer or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of their shift or turned off when leaving the workplace.

601.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of Department communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy regarding any Department business-related communication.
 - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief Probation Officer.
- (e) The device shall not be utilized to record or disclose any Department-related business information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief Probation Officer or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, CPRA retention and release obligations, and internal investigations. If the PCD is carried on-duty as a requirement of their assignment, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, or other public records created or received on a member's personally owned PCD should be transferred to

Fresno County Probation Department

Probation Manual

Probation Manual

Personal Communication Devices

the Fresno County Probation Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from a supervisor, the member may engage in Department-related business communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty Department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

601.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) All department-issued PCDs shall be carried in an approved case.
- (b) All PCDs in the workplace should be set to silent or vibrate mode when required.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recorded media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief Probation Officer or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.
- (h) Members could be responsible for any charges associated with misuse or excessive non-work-related charges and any cost related to the misuse or negligent handling of the equipment which leads to damage.

601.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

Fresno County Probation Department

Probation Manual

Probation Manual

Personal Communication Devices

- (a) Ensuring that members under their supervision are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief Probation Officer or the authorized designee and receive written authorization from the Chief Probation Officer or the authorized designee to conduct the search.

601.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while using PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other Department communications network.

601.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Use of Phones

The use of phones while driving a County vehicle or private vehicle on County business is prohibited. Violation may result in the revocation of the violator's County driving privileges.

Exceptions for use of phones:

- Vehicles with manufacturer built-in hands-free devices.
- Vehicles with Fleet Services installed or authorized hands-free devices.
- In accordance with CA Vehicle Code Section 23123(d), emergency services professionals operating an authorized emergency vehicle, as defined in Section 165, in the course and scope of County business.

Note: hands-free devices (e.g. headsets) not listed above are prohibited.

See Management Directive 922.3.

601.10 ISSUED DATE

- 09/16/2021

Vehicle Use, Safety, and Maintenance

602.1 PURPOSE AND SCOPE

The Department utilizes motor vehicles for a variety of applications. To maintain a system of accountability and ensure that Department-owned vehicles are used and maintained appropriately, regulations relating to the use and maintenance of these vehicles have been established. The term “Department-owned” as used in this section also refers to any vehicle leased or rented by the Department.

602.2 POLICY

The 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 vehicles to ensure they remain operational and maintain their appearance, as resources allow.

602.3 USE OF DEPARTMENT AGENCY VEHICLES

Only authorized members should operate Department vehicles. Members who operate Department-owned vehicles must comply with all applicable state laws and must possess a valid driver’s license endorsed for the type of vehicle operated. 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.

602.3.1 USE OF SAFETY BELTS

Members shall wear provided safety restraints as stated in the Safety 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).

602.3.2 VEHICLE LOCATION SYSTEM

Vehicles, at the discretion of the Chief Probation Officer, may be equipped with a system designed to track the vehicle’s location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

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).

All data captured by the system shall be retained in accordance with the established records retention schedule.

Fresno County Probation Department

Probation Manual

Probation Manual

Vehicle Use, Safety, and Maintenance

602.3.3 KEYS

Members approved to operate marked and unmarked vehicles shall have access vehicle keys for the unit to which the member is assigned. Members who are assigned a specific vehicle shall be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

Under no circumstances will persons under supervision be allowed to operate a vehicle or have possession of any vehicle keys. Keys shall not be left in unattended vehicles, even when parked in secured enclosures (MD 925.1).

602.3.4 AUTHORIZED PASSENGERS

Members operating Department vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Alongs Policy (MD 921).

602.3.5 ALCOHOL/DRUG USE

Members who have consumed alcohol or drugs are prohibited from operating any Department or county 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.

602.3.5 PARKING

Except when responding to an emergency or when urgent Department-related business requires otherwise, members driving Department vehicles shall obey all parking regulations at all times.

Department vehicles shall be parked in designated areas. Members shall not park privately owned vehicles in stalls assigned to Department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

602.3.6 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions, or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

602.3.7 CIVILIAN NON-SWORN MEMBER USE

Non-sworn members using vehicles shall ensure that all weapons have been removed before going into service.

602.4 VEHICLE SECURITY

Department vehicles shall be locked, and the keys will be secured when not in use. No key shall be left in the vehicle except when it is necessary that the vehicle be left running (e.g., equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot

Fresno County Probation Department

Probation Manual

Probation Manual

Vehicle Use, Safety, and Maintenance

pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

602.4.1 REMOVAL OF WEAPONS

All firearms, weapons, and control devices shall be removed from a vehicle and properly secured in the Department armory or another approved storage method prior to the vehicle being released for maintenance, service, or repair.

602.5 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief Probation Officer. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

602.5.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief Probation Officer or the authorized designee.

602.5.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where Department vehicles must be used by members to commute to and from a work assignment. Members may take home Department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance 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.

602.5.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description, and essential functions; and the member's employment or appointment status. Residence in the County is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County may be required to secure the vehicle at a designated location or at the Department at the discretion of the Chief Probation Officer.

Fresno County Probation Department

Probation Manual

Probation Manual

Vehicle Use, Safety, and Maintenance

Department members shall sign a take-home vehicle agreement that outlines certain standards, including but not limited to how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities, and member enforcement actions.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or personal transportation, unless special circumstances exist and the Chief Probation Officer or the authorized designee gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief Probation Officer or the authorized designee and there is a high probability that member will be called back to duty
 - 2. When the member has received permission from the Chief Probation Officer or the authorized designee.
 - 3. When the vehicle is being used by the Chief Probation Officer or the authorized designee or members who are in on-call administrative positions.
 - 4. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles shall be locked and secured at all times.
 - 1. No key shall be left in the vehicle except when it is necessary that the vehicle be left running (e.g., equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All Department identification, portable radios, and equipment shall be secured.
- (g) If the vehicle is not secured inside a locked garage, all firearms and control devices shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles shall be secured at the member's residence or the appropriate Department facility, at the discretion of the Department, when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

Fresno County Probation Department

Probation Manual

Probation Manual

Vehicle Use, Safety, and Maintenance

- (i) The member is responsible for the care and maintenance of the vehicle.

602.5.4 USE OF PERSONAL VEHICLES

The use of personal vehicles for official business must be approved by the Chief Probation Officer or the authorized designee.

The Chief Probation Officer or the authorized designee shall verify that the personal vehicle meets the state's and County of Fresno insurance requirements. A copy of the insurance card shall be retained in the vehicle and in a Department file. All policies and procedures applicable to Department vehicles shall apply to the personal vehicle while it is being used for official business.

602.5.5 OFF-SITE PARKING OF COUNTY VEHICLES

The Chief Probation Officer has the authority to allow members to park county vehicles at off-site locations within Fresno County. If the Chief Probation Officer grants the member permission, the member will be responsible to obtain permission from an approved site location supervisor, who will allow the 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 Divisional Deputy Chief, to obtain their final approval.

If the 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.

602.6 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Maintenance will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following shall be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure the assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the Department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

Fresno County Probation Department

Probation Manual

Probation Manual

Vehicle Use, Safety, and Maintenance

602.6.1 VEHICLE INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this Department shall 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, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All Department-owned vehicles are subject to inspection and/or search at any time by a supervisor. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or any of its contents, regardless of who owns the contents.

602.6.2 VEHICLE SAFETY REPAIRS

Any 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.

Vehicles that are deemed as 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.

602.7 TOLL ROAD USAGE

Probation vehicles are not routinely exempt from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating Department vehicles on a toll road shall adhere to the following:

- (a) Members operating Department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate tollway transponder. Members may submit for reimbursement from the County for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate supervisor as soon as practicable explaining the circumstances.

Fresno County Probation Department

Probation Manual

Probation Manual

Vehicle Use, Safety, and Maintenance

602.8 ACCIDENT, DAMAGE, ABUSE, AND MISUSE

When any Department-owned vehicle is involved in a traffic accident, the involved member shall promptly notify a supervisor. The appropriate local law enforcement agency shall be summoned to conduct an investigation. A traffic accident report shall be filed with the agency having jurisdiction. The member shall complete the County's 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 member, the involved member shall make an immediate telephone report to Risk Management (MD 1013).

If the 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.

A member who is involved in a vehicle accident should not admit liability for the accident. If the other parties to the accident believe the member was at fault and inquire about reimbursement for damages, the member shall refer them to Risk Management (MD 1016).

602.8 ATTIRE AND APPEARANCE

When operating any Department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever a member is in public view or has contact with the public, the member's attire and appearance, regardless of the activity, shall be suitable to reflect positively upon the Department.

602.10 ISSUED DATE

- 10/07/2020

602.11 REVISED DATE(S)

- 09/16/2022

Body Armor

604.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

604.2 POLICY

It is the policy of the Fresno County Probation Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

604.3 ISSUANCE

The Training Assistant Deputy Chief shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued to an officer when required for training or when an officer begins service in an armed assignment at the Fresno County Probation Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised and/or upon the manufacturer expiration date.

The Chief Probation Officer may authorize issuing body armor to uniformed, non-sworn members whose jobs may make wearing of body armor advisable.

604.3.1 USE

Generally, the required use of body armor is subject to the following:

- (a) Officers shall only wear department-approved body armor.
- (b) Officers shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action, including but not limited to when they are participating in field supervision activities.
- (c) Officers shall wear body armor when taking part in department range training.
- (d) Officers are not required to wear body armor when they are functioning primarily in an administrative or support capacity or specialized training and would not reasonably be expected to take enforcement action.
- (e) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor. Officers have discretion to wear body armor in the office.
 1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.

604.3.2 INSPECTION

Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

Fresno County Probation Department

Probation Manual

Probation Manual

Body Armor

604.3.3 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following:

- (a) Officers are responsible for inspecting their body armor for signs of damage, wear, and cleanliness at the start of each shift.
 - 1. Unserviceable body armor shall be reported to the supervisor. Unserviceable body armor shall not be worn, and the officer shall immediately obtain and wear suitable, serviceable body armor.
- (b) Officers are responsible for the proper storage of their body armor.
 - 1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.
- (c) Officers are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.
 - 1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
 - 2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.
- (d) Body armor shall be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

604.4 TRAINING ASSISTANT DEPUTY CHIEF RESPONSIBILITIES

The responsibilities of the Training Assistant Deputy Chief include but are not limited to:

- (a) Monitoring the body armor industry standards for any appropriate changes to department-approved body armor.
- (b) Assessing the suitability of approved body armor to protect against threats.
- (c) Educating officers about the safety benefits of wearing body armor.

604.5 ISSUED DATE

- 03/09/2020

Vehicle Stops and Emergency Lights

605.1 PURPOSE AND SCOPE

This policy provides guidelines on vehicle stops and emergency lights to officers. Officers are only authorized to conduct vehicle stops and use emergency lighting under these guidelines.

605.1.1 DEFINITIONS

Emergency lighting is defined as flashing rear-mounted lights, visor-mounted lights, flashing headlights, blue lights, or any other lighting specified for law enforcement use.

Vehicle stops are defined as a peace officer's attempt to temporarily detain the occupants of a vehicle in order to conduct an investigation.

605.2 VEHICLE STOPS

Officers shall not conduct vehicle stops and/or use departmental vehicles with emergency equipment to make vehicle stops. An exception to this policy may occur when an officer observes an immediate and serious threat to the safety of the public involving a vehicle. In these limited situations, officers may attempt to conduct a vehicle stop in order to preserve life.

- Prior to initiating a vehicle stop, officers shall transmit all pertinent information via radio (location, description, nature of the incident). Officers shall request immediate assistance from law enforcement. If law enforcement is unable to immediately respond and intervene, an officer may attempt to conduct a vehicle stop.
- If the vehicle fails to yield or evades, officers shall terminate efforts to stop the vehicle. The officer shall transmit this information and provide any additional details over the radio. Officers shall comply with the Vehicle Code (abstain from speeding, unsafe lane changes, running red lights, etc.).
- Officers shall not engage in the pursuit of vehicles, drive Code 3, or join in vehicle pursuits initiated by another law enforcement agency.
 - Examples of immediate and serious threats include but are not limited to the following: active shooter from a vehicle; a vehicle being utilized as a weapon; a grossly intoxicated or impaired driver presenting an immediate threat to human life; a violent assault occurring inside a vehicle that presents an immediate threat to human life.

This policy does not preclude officers from participating in a back-up role at a traffic stop initiated by another law enforcement agency. Officers in designated specialty assignments or task forces shall act within the scope of their duties as authorized by the Chief Probation Officer or the authorized designee.

Officers shall not conduct vehicle stops for minor traffic violations, minor law violations, or violations of probation.

Any vehicle stops shall be reported to the supervisor as soon as practicable and documented in a written report.

Fresno County Probation Department

Probation Manual

Probation Manual

Vehicle Stops and Emergency Lights

605.3 EMERGENCY LIGHTS

Officers shall not drive Code 3. However, officers may use safety lighting when their vehicle is stopped for the safety of the officer and/or public, for identification purposes, during a Department-sanctioned demonstration, or as specified above. Emergency lighting is defined as flashing rear-mounted lights, visor-mounted lights, flashing headlights, blue lights, or any other lighting specified for law enforcement use. Under no circumstances are non-sworn members authorized to utilize emergency lighting equipment for any purposes.

605.4 TRAINING

Officers shall attend Probation Department approved training on vehicle stops prior to initiating a vehicle stop. Officers shall attend training pursuant to SB 587/VC 25258 prior to utilizing emergency blue lights.

605.5 ISSUED DATE

- 10/07/2020

Chapter 7 - Support Services

Records Maintenance and Release

701.1 PURPOSE AND SCOPE

This policy establishes guidelines for the maintenance, release, and disposition of records maintained by the Department. The policy addresses responsibilities of the supervisors for the management of file access, and requests for release of information and records.

701.2 POLICY

It is the policy of the Department to maintain records of persons and to provide for the access to and release of records consistent with department policies, administrative directives, and applicable state law.

701.3 RECORDS CUSTODIAN RESPONSIBILITIES

The Chief Probation Officer shall designate supervisors as custodian of records. The responsibilities of the supervisors include but are not limited to:

- (a) Maintaining and updating a records procedure manual.
- (b) Supervising the access, use, and release of persons' protected information (see the Protected Information Policy).
- (c) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (d) Maintaining and updating the department records retention schedule, including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying who has the responsibility for the original record.
- (e) Following laws regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 6253).
- (f) Identifying records or portions of records that have release restrictions or are confidential under state or federal law and not open for inspection or copying.
- (g) Following established procedures for sharing records as permitted by law with persons, their designees, and coordinating agencies, including law enforcement agencies, social service agencies, and medical and mental health providers.
- (h) Following established rules regarding the processing of subpoenas for the production of records.
- (i) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of data.
- (j) Ensuring the availability of a current schedule of fees for public records as allowed by law (Government Code § 6253).
- (k) Determining how the department's website may be used to post public records in accordance with Government Code § 6253.

Fresno County Probation Department

Probation Manual

Probation Manual

Records Maintenance and Release

- (l) Ensuring that public records posted on the department website meet the requirements of Government Code § 6253.10, including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

701.4 PROCESSING REQUESTS FOR RECORDS

Any department member who receives a request for any records shall route the request to the supervisor.

701.4.1 REQUESTS FOR PUBLIC RECORDS

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

- (a) The Department is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (Government Code § 6253(a)).
 - 1. A copy of the redacted release shall be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions.
 - 2. If the record is an audio or video recording, a copy of the redacted audio/video recording release shall be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) Either the requested record or the reason for nondisclosure shall be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the supervisor or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 - 1. When the request does not reasonably describe the records sought, the supervisor shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request, including providing assistance for overcoming any practical basis for denying access to the records or information. The supervisor shall also assist in describing the information and technology and physical location in which the record exists (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.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).

Fresno County Probation Department

Probation Manual

Probation Manual

Records Maintenance and Release

701.4.2 DENIALS

The denial of a request for public records is subject to the following:

- (a) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts showing that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255).
- (b) The written response to the denial shall include the names, titles, or positions of each person responsible for the denial (Government Code § 6253).

701.4.3 RELEASE RESTRICTIONS

Examples of release restrictions include (except where allowed by law or court order):

- (a) Records of persons under supervision, including classification, disciplinary records, pre-sentence or disposition reports, supervision reports, and progress reports.
- (b) Probation reports filed with a court (Penal Code § 1203.03; Penal Code § 1203.05).
- (c) Records relating to juveniles (Welfare and Institutions Code § 827; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).
- (d) Personnel, medical, mental health, and substance abuse records (Government Code § 6254; 42 CFR 2.35).
- (e) Education records of persons under supervision (Family Education Rights and Privacy Act of 1974 (FERPA); Education Code § 49076).
- (f) Personnel records, medical records, or similar files that would involve an unwarranted invasion of personal privacy (Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
- (g) Home addresses, home telephone numbers, personal cellular telephone numbers, and birth dates of department members except as allowed by Government Code § 6254.3.
- (h) Criminal intelligence and criminal history information (Penal Code § 13102; Penal Code § 13300) (see also the Protected Information Policy).
- (i) A record of a complaint, or the investigations, findings, or dispositions of that complaint, if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7(b)(9)).

701.5 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records shall promptly contact a supervisor for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that automatically requires the release of the requested information.

All questions regarding compliance with any subpoena duces tecum or discovery request shall be promptly referred to a supervisor, who may then contact legal counsel for the Department, so that a timely response can be prepared.

Fresno County Probation Department

Probation Manual

Probation Manual

Records Maintenance and Release

701.7 SECURITY BREACHES

Members who become aware that any Fresno County Probation Department system containing personal information of members and persons under supervision may have been breached shall notify the a supervisor as soon as practicable.

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

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system (Civil Code § 1798.29).

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

For the purposes of the notice requirement, personal information includes a person's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:

- (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, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account
- (d) Medical information
- (e) Health insurance information
- (f) A username or email address along with a password, code, or phrase that, in combination, would allow access to an online account
- (g) Unique biometric data
- (h) Genetic data

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the supervisor shall promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

701.8 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the supervisor and, if appropriate, the member assigned to supervision of the person.

Fresno County Probation Department

Probation Manual

Probation Manual

Records Maintenance and Release

The supervisor shall seal such records as ordered by the court. Once a record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781; Welfare and Institutions Code §786).

701.8.1 SEALED JUVENILE ARREST RECORDS

The supervisor or designee shall seal the arrest and other records in department custody relating to a juvenile's arrest and referral and participation in a diversion or supervision program as provided by Welfare and Institutions Code § 786.5.

The supervisor or designee shall notify the arresting law enforcement agency, as well as the public or private agency operating a diversion program to which the juvenile has been referred to seal any arrest or diversion records as required by Welfare and Institutions Code § 786.5(a). Within 30 days of receipt of notification from the arresting law enforcement agency that the records have been sealed, the supervisor or designee shall notify the juvenile in writing that their records have been sealed. If the records are not sealed, written notice shall inform the minor of their ability to petition the court directly to seal their arrest and other related records (Welfare and Institutions Code § 786.5(d)).

701.8 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released pursuant to a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by any officer, or depicts an incident in which the use of force by any officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The supervisor shall work as appropriate with the Chief Probation Officer or the Personnel Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received, and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

701.8.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source. Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident. After the initial 45 days and up to one year, delayed disclosure may continue if the Department demonstrates substantial interference with the investigation. Any delayed disclosure longer than one year must be supported by clear and convincing evidence (Government Code § 6254(f)(4) (B)(iii)).

Fresno County Probation Department

Probation Manual

Probation Manual

Records Maintenance and Release

701.8.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the supervisor shall provide written notice to the requester as follows (Government Code § 6254(f)(4)(A)(ii)):

- (a) During the initial 45 days from the date the Probation Department knew or should have known about the incident, the supervisor shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (b) When delay is continued after the initial 45 days, the supervisor shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The supervisor shall work with the Chief Probation Officer in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

701.8.3 REDACTION

If the supervisor, in consultation with the Chief Probation Officer or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department shall use redaction technology to redact portions of recordings made available for release. The redaction shall not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording shall not otherwise be edited or altered (Government Code § 6254(f)(4)(B)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the supervisor shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)(B)).

701.8.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

- (a) The person in the recording whose privacy is to be protected, or the authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

Fresno County Probation Department

Probation Manual

Probation Manual

Records Maintenance and Release

- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the supervisor shall provide the requester with written notice of the specific basis for the determination, and the estimated date of disclosure (Government Code § 6254(f)(4)(B)(iii)).

The Department may continue to delay release of the recording from the public for 45 days with extensions. After one year from the date the Department knew or reasonably should have known about the incident, the Department may continue to delay disclosure of a recording only if the agency demonstrates by clear and convincing evidence that disclosure would substantially interfere with the investigation. If the Department delays disclosure pursuant to this clause, the Department shall promptly provide in writing to the requester the specific basis for the Department's determination that the interest in preventing interference with an active investigation outweighs the public interest in disclosure and provide the estimated date for the disclosure. The Department shall reassess withholding and notify the requester every 30 days. A recording withheld by the Department shall be disclosed promptly when the specific basis for withholding is resolved (Government Code § 6254(f)(4)(A)).

701.9 ISSUED DATE

- 11/30/2020

701.9.1 REVISED DATE(S)

- 05/27/2022

Protected Information

702.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by members of the Fresno County Probation Department. This policy addresses the protected information used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

702.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data collected, stored, or accessed by members of the Fresno County Probation Department and that is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information in federal, state, or local law enforcement databases that is not accessible to the public.

702.2 POLICY

Members of the Fresno County Probation Department will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

702.3 RESPONSIBILITIES

The Chief Probation Officer shall select a supervisor of the Department to coordinate the use of protected information.

The responsibilities include but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicles (DMV) records, and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

Fresno County Probation Department

Probation Manual

Probation Manual

Protected Information

702.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Fresno County Probation Department policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action or criminal prosecution.

702.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive, or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

702.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released shall refer the requesting person to a supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from law enforcement agencies who are assisting in an investigation or conducting a related investigation. Any such information should be released through a supervisor to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

702.5.1 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, other than CJI and CHRI, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a Mobile Computer or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.

Fresno County Probation Department

Probation Manual

Probation Manual

Protected Information

- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

702.5.2 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the [DepartmentOffice] after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

702.6 SECURITY OF PROTECTED INFORMATION

The Chief Probation Officer will select a supervisor of the Department to oversee the security of protected information.

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

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

702.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur.

702.7 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to, or obtain information from a criminal intelligence system unless the Chief Probation Officer has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for supervising the use of any criminal intelligence system by members. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

Fresno County Probation Department

Probation Manual

Probation Manual

Protected Information

702.7.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, case notes, a photo, or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained. Any supporting documentation for an entry shall be retained in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained are appropriately marked as intelligence information.

702.7.2 SHARED GANG DATABASE

Any shared gang database shall be accessed and maintained in accordance with state and federal law, guidelines, and regulations (Penal Code § 186.36).

702.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

702.9 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (Government Code § 8310.3).

702.10 ISSUED DATE

- 05/06/2020

702.11 REVISED DATE(S)

- 10/11/2021

Chapter 8 - Personnel

Recruitment and Selection

800.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts, and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Fresno County Probation Department and that are promulgated and maintained by Department of Human Resources.

800.2 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. Members may also refer to Fresno County Personnel Rule 4, Selection Process, under Personnel Rules.

800.3 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department will employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities which may include, but is not limited to, review and verification of:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record).
 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed before extending an offer of employment (Penal Code § 832.12).
- (b) Driving record.
- (c) Reference checks.
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites.

Fresno County Probation Department

Probation Manual

Probation Manual

Recruitment and Selection

- (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.

800.4 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).

800.4.1 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.).

800.4.2 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).

800.4.3 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

800.4.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

800.5 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:

- Age at the time the behavior occurred

Fresno County Probation Department

Probation Manual

Probation Manual

Recruitment and Selection

- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

800.5.1 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.

800.6 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 are 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. Department of Human Resources maintains validated standards for all positions.

800.6.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by California law, including those provided in Government Code § 1029, Government Code § 1031, and 15 CCR 131:

Fresno County Probation Department

Probation Manual

Probation Manual

Recruitment and Selection

- (a) Free of any felony convictions
- (b) Legally authorized to work in the United States, under federal law
- (c) At least 18 years of age
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation
- (f) 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. The Department shall deny employment to a candidate for a peace officer position if, during a pre-employment background has determined that in the past 7 years and since 18 years of age, the candidate has engaged in membership in a hate group, participation in any hate group activity, or advocacy of public expressions of hate. 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.

800.7 ISSUED DATE

- 03/23/2020

800.7.1 REVISED DATE(S)

- 11/16/2020
- 03/30/2021
- 05/27/2022
- 04/17/2023

Standards of Conduct

801.1 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 members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

801.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action. Members may refer to Fresno County Personnel Rule 10 – Disciplinary Actions, for types of disciplinary action.

801.3 ORDERS AND DIRECTIVES

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.

801.3.1 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 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 member from criminal or civil prosecution or administrative discipline. If the legality of an order or directive is in doubt, the affected 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 member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order 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 the lawful order or directive.

801.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failing to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and oversight.

Fresno County Probation Department

Probation Manual

Probation Manual

Standards of Conduct

- (b) Failing to promptly and fully report any known misconduct of a member to the immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

801.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

801.4.1 PRISON RAPE ELIMINATION ACT

Members have a continuing affirmative duty to notify the Deputy Chief in writing if they have (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 for an offense involving engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been the subject of any civil or administrative adjudication finding that the member engaged in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

801.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics, and specific action or inaction that is detrimental to efficient department service.

801.5.1 LAWS, RULES, AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in department or County manuals.

Fresno County Probation Department

Probation Manual

Probation Manual

Standards of Conduct

- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local, or administrative laws, rules, or regulations.

801.5.2 ETHICS

- (a) Using or disclosing one's status as a 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 member for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the member's duties (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) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel, or services.
- (g) Any other failure to abide by the standards of ethical conduct.

801.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, where the member knew or should have known that the conduct is unlawful and/or in violation of County or Department policy(ies) .

801.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact with other employees, volunteers, contractors, or youth.
- (c) Establishing or maintaining an inappropriate personal or financial relationship with youth or with a known victim, witness, suspect, probationer, supervised person, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

Fresno County Probation Department

Probation Manual

Probation Manual

Standards of Conduct

- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws, or who are under the supervision of the courts, any probation department, or any correctional authority after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department. 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) Participation in a law enforcement gang as defined by Penal Code § 13670. A member's violation of this policy is grounds for dismissal from County service.

801.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (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.

801.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
 - 1. Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief Probation Officer or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any Fresno County Probation Department badge, uniform, identification card, or department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

Fresno County Probation Department

Probation Manual

Probation Manual

Standards of Conduct

- (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.
- (f) Improper or unauthorized use of county vehicles, computers, cell phones, or any county-owned property.

801.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders 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.

801.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this department or its members.
- (e) 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 members.

Fresno County Probation Department

Probation Manual

Probation Manual

Standards of Conduct

- (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.
 - 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.

801.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on the member's part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful probation officer powers by unreasonable, unlawful, or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the County.
- (g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of department property or the property of another person.

Fresno County Probation Department

Probation Manual

Probation Manual

Standards of Conduct

- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract, including fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief Probation Officer of such action.
- (m) 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 member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or reflects unfavorably upon this department or its members.

801.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) 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 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 within 24 hours of the event.

801.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- (b) Use of alcohol at any work site or while on-duty.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to any work site.

801.6 ISSUED DATE

- 03/30/2021

Fresno County Probation Department

Probation Manual

Probation Manual

Standards of Conduct

801.7 REVISED DATE(S)

- 12/15/2021
- 05/27/2022
- 09/16/2022

Performance Evaluations

802.1 PURPOSE AND SCOPE

This policy provides guidelines for the Fresno County Probation Department's performance evaluations.

802.2 POLICY

The Fresno County Probation Department shall use a performance evaluation to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement. 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 members in a nondiscriminatory manner based upon job-related factors specific to the member's position, without regard to the actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

802.3 TYPES OF EVALUATIONS

An evaluation is completed at regular intervals by the member's immediate supervisor. Members who have been promoted should be evaluated as established by the Department of Human Resources or, minimally, on the anniversary of the last promotion.

When a 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 member for the majority of the rating period, with input from the other supervisor(s).

An evaluation may also be completed at any time that the supervisor and 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).

802.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the 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 member.

Meets Expectations - Performance of a competent member. It is satisfactory performance that meets the standards required of the position.

Fresno County Probation Department

Probation Manual

Probation Manual

Performance Evaluations

Needs improvement - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the member.

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 member's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as unacceptable, needs improvement or exceeds expectations shall be substantiated with supervisor comments.

Management evaluations will be completed in narrative form.

802.3.2 PERFORMANCE IMPROVEMENT PLAN (PIP)

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 member to review the member's performance and the status of the PIP at least monthly.

802.4 EVALUATION PROCESS

Supervisors should meet with the 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 member.

Performance evaluations cover a specific period and should be based on documented performance dimensions that are applicable to the duties and authorities granted to the member during that period. Evaluations should be completed by each member's immediate supervisor. Other supervisors directly familiar with the member's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of a member's job performance is an ongoing process. Continued coaching and feedback provides supervisors and members with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged.

Members demonstrating substandard performance should 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.

802.5 EVALUATION FREQUENCY

Supervisors shall ensure that all members they supervise are evaluated at least once every year on the anniversary of the member's date of appointment or hire.

Fresno County Probation Department

Probation Manual

Probation Manual

Performance Evaluations

802.6 EVALUATION DISCUSSION

When the supervisor has completed the member's evaluation, a private discussion of the evaluation should be scheduled with the member. The supervisor should discuss the evaluation ratings and respond to any questions the member may have. The supervisor may provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the 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.

Members may write comments in an identified section of the evaluation within 30 days of receiving the evaluation, or in accordance with the member's memorandum of understanding. The supervisor and member will sign and date the evaluation

It is the responsibility of the supervisor, when preparing annual performance evaluations for a 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.

802.7 CHAIN OF REVIEW

The performance evaluation shall be forwarded to the reviewer or 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.

802.8 RETENTION AND DISTRIBUTION

The original performance evaluation and any written response shall be maintained by the Department in accordance with the Personnel Records Policy.

802.9 ISSUED DATE

- 09/16/2021

Assignments and Promotions

803.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for assignments and promotions within the Fresno County Probation Department.

803.2 POLICY

The Fresno County Probation Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors, candidate skills, experience, and qualifications in accordance with the collective bargaining agreement or memorandum of understanding and the County personnel manual. Assignments and promotions are made by the Chief Probation Officer. Members may also refer to Fresno County Personnel Rule No. 11, Promotion, Transfer, and Demotion, located under Personnel Rules.

803.3 GENERAL GUIDELINES

803.3.1 GENERAL GUIDELINES

The following requirements may be considered when selecting a candidate for an assignment:

- (a) Years of relevant experience
- (b) Possession of or ability to obtain any certification required by the California Board of State and Community Corrections (BSCC) or Standards and Training for Corrections (STC)
- (c) Exceptional skills, experience, or abilities related to the assignment

803.3.2 EVALUATION CRITERIA

The following criteria may be used in evaluating candidates for an assignment:

- (a) Presents a professional, neat appearance
- (b) Expressed an interest in the assignment
- (c) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership skills (e.g., ability to guide others, composure, fairness, values, motivation, decision quality, trust, honesty, team development, courage, continuous learning, clear oral communication, resilience, decisiveness, accountability, strategic thinking)
 - 6. Initiative
 - 7. Adaptability and flexibility

Fresno County Probation Department

Probation Manual

Probation Manual

Assignments and Promotions

8. Ability to conform to department goals and objectives in a positive manner

803.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the County Department of Human Resources.

803.5 ISSUED DATE

- 03/23/2020

Grievances

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the Fresno County Probation Department grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address member grievances in the workplace.

804.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- The collective bargaining agreement or memorandum of understanding
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct under the Personnel Complaints Policy, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may threaten the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discrimination/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.

804.2 POLICY

It is the policy of the Fresno County Probation Department to provide a just and equitable system for the prompt handling of member grievances without discrimination, coercion, restraint, or retaliation against any member who submits or is otherwise involved in a grievance.

When a member becomes aware that a problem exists, the 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 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. 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.

804.3 PROCESS

Grievances may be brought by an individual member or by a member group representative. Members may have representation during the grievance process.

Fresno County Probation Department

Probation Manual

Probation Manual

Grievances

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 member must follow the grievance guidelines set forth in their respective labor association/union Memorandum of Understanding or Fresno County grievance policy and procedure.

804.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Administration for inclusion into a secure file for all written grievances.

804.5 ISSUED DATE

- 03/23/2020

804.5.1 REVISED DATE(S)

- 11/16/2020

Discrimination/Harassment

805.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department 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 (Government Code § 12940(k); 2 CCR 11023).

805.2 POLICY

The Fresno County Probation Department is an equal opportunity employer, and is committed to creating and maintaining a work environment that is free of all forms of discrimination and/or harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 California Code of Regulations 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 may subject a member to discipline. Members may also refer to Fresno County Board of Supervisors Administrative Policy No. 32, Discrimination/Harassment.

805.3 DEFINITIONS

Definitions related to this policy include:

805.3.1 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

Fresno County Probation Department

Probation Manual

Probation Manual

Discrimination/Harassment

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 unwarranted assistance or withholding work-related assistance, cooperation, and/or information to applicants or employees because of their protected category.

805.3.2 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.

805.3.3 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.

805.3.4 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.

805.3.5 ADDITIONAL CONSIDERATIONS

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

Fresno County Probation Department

Probation Manual

Probation Manual

Discrimination/Harassment

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

805.4 RESPONSIBILITIES

This policy applies to all department 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.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct, or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to 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.

805.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, a Division 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).

805.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager includes 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 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 Director of Human Resources 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

Fresno County Probation Department

Probation Manual

Probation Manual

Discrimination/Harassment

counseling members, or issuing discipline in a manner that is consistent with established policies and procedures.

805.5 INVESTIGATION OF COMPLAINTS

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

805.5.1 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 members involved. No influence will be used to suppress any complaint, and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in any 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.

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.

805.5.2 ALTERNATIVE COMPLAINT PROCESS

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

805.6 DOCUMENTATION OF COMPLAINTS

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

- (a) Maintained in accordance with the department's established records retention schedule.

805.6.1 NOTIFICATION OF DISPOSITION

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

Fresno County Probation Department

Probation Manual

Probation Manual

Discrimination/Harassment

805.7 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).

805.8 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. Members shall certify by signing the prescribed form that they have been advised of this policy, are aware of and understand its contents, and agree to abide by its provisions during their term with the Department.

805.8.1 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 DFEH online training courses, the Training Assistant Deputy Chief should ensure that employees are provided the following CRD website address to the training course: <https://calcivilrights.ca.gov>. (Government Code § 12950; 2 CCR 11023).

805.8.2 TRAINING RECORDS

The Training Assistant Deputy Chief shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

805.8.3 REQUIRED POSTERS

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

805.9 ISSUED DATE

- 03/23/2020
- 09/16/2021
- 09/23/2022

Anti-Retaliation

806.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who report workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, discrimination/harassment (See Probation Manual Policy 805) or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance, or memorandum of understanding or contract.

806.2 POLICY

The Fresno County Probation Department has zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

806.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because the person has engaged in protected activity.

Fresno County Probation Department

Probation Manual

Probation Manual

Anti-Retaliation

806.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

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

806.4 COMPLAINTS OF RETALIATION

Any 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.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false 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 member is known, thereby allowing investigators to obtain additional information from the reporting member. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law, or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint, and, if applicable, to impose discipline for misconduct. Although complaints may be made anonymously, in some situations, the investigative process may not be complete unless the source of the information and a statement by the member are part of the investigative process.

806.5 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 and 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 member making a complaint is not subjected to further retaliation.
- (f) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (g) Not interfering with or denying the right of a member to make any complaint.

806.6 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:

- (a) The timely review of complaint investigations.

Fresno County Probation Department

Probation Manual

Probation Manual

Anti-Retaliation

- (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.

806.7 WHISTLEBLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to their Division Deputy Chief or the Chief Probation Officer for investigation pursuant to the Personnel Complaints Policy.

806.7.1 DISPLAY OF WHISTLEBLOWER LAWS

The Fresno County Probation Department shall display a notice to members regarding their rights and responsibilities under the whistleblower laws, including the whistleblower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

806.8 RECORDS RETENTION AND RELEASE

The department shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

806.9 ISSUED DATE

- 03/23/2020

Fresno County Probation Department

Probation Manual

Probation Manual

Anti-Retaliation

806.10 REVISED DATE(S)

- 05/27/2022

Reporting of Arrests, Convictions, and Court Orders

807.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when they are detained for investigative purposes, arrested, or convicted, including any court orders restrict their ability to perform the official duties and responsibilities for the Fresno County Probation Department.

This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

807.2 POLICY

The Fresno County Probation Department requires disclosure of member detentions, arrests, convictions, protective orders, and certain court orders that restrict the 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 Department. 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.

807.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and California law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, partner, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members and retired officers with identification cards issued by the department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall 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.

807.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with their duties and the public trust, and shall be reported as provided in this policy.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member's ability to fully perform the duties of the job (e.g., driver's license suspension or revocation).

Fresno County Probation Department

Probation Manual

Probation Manual

Reporting of Arrests, Convictions, and Court Orders

Outstanding warrants, felony convictions, and certain misdemeanor convictions also place restrictions on the ability of an officer to possess a firearm or remain a peace officer (Government Code § 1029; Penal Code § 29805). Miscellaneous prohibitions pursuant to WIC § 8103(e).

807.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall report as soon as practicable, but no later than the next business day, their supervisors (retired officers should immediately notify the Deputy Chief or the Chief Probation Officer) in writing of any past or current criminal detention, arrest, charge, Department of Social Services Investigation, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending, or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall report as soon as practicable, but no later than the next business day, their supervisors (retired officers 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 officer from possessing a firearm.

Any member whose criminal arrest, conviction, or court order that may restrict or prohibit that member from fully and properly performing duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or dismissal. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and at own expense.

Any employee failing to provide immediate written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

807.6 ISSUED DATE

- 03/23/2020

807.7 REVISED DATE(S)

- 12/15/2021

Drug- and Alcohol-Free Workplace

808.1 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).

808.2 POLICY

It is the policy of the Fresno County Probation Department to provide a drug- and alcohol-free workplace for all members.

808.3 GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated in compliance with federal grant guidelines (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the appropriate supervisor as soon as the member is aware of an inability to report to work. If the member cannot to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

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.

808.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

808.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

Fresno County Probation Department

Probation Manual

Probation Manual

Drug- and Alcohol-Free Workplace

808.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty member is impaired due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

808.5 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. Members should contact the Department of Human Resources, their insurance providers, or the member assistance program for additional information. It is the responsibility of each member to seek assistance before alcohol or drug problems lead to performance problems.

808.6 WORK RESTRICTIONS

If a member informs a supervisor that the member has consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from a physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that the member is transported safely, off-site from the Department.

808.7 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 member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

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, require the member to participate in a governmental approved substance abuse assistance or rehabilitation program.

Fresno County Probation Department

Probation Manual

Probation Manual

Drug- and Alcohol-Free Workplace

808.8 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

808.9 ISSUED DATE

- 05/06/2020

808.10 REVISED DATE(S)

- 05/27/2022

Vacation and Sick Leave

809.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of vacation and sick leave. The accrual and terms of use of vacation and sick leave for eligible members are detailed in the County Salary Resolution 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, 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 (CA Government Code § 12945.2; CA Labor Code § 230.1; CA Labor Code § 1510).

809.2 POLICY

It is the policy of the Fresno County Probation Department to provide eligible members with a vacation/sick-leave benefit (Annual Leave). Members may also refer to Salary Resolution Section 700 – Vacation/Sick Leave Plan.

809.3 VACATION

For the purpose of this policy, two terms are operationally defined as follows:

- (a) Vacation
 - 1. Vacation is defined as Annual Leave used in increments of four or more consecutive days.
- (b) Seniority
 - 1. Seniority, for purpose of vacation selection, is defined as the total time that a 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. However, for Assistant Deputy Chiefs and Division Deputy Chiefs, seniority will be based on the date of their promotion into the respective classification. In the event two or more people are promoted on the same day, the tie breaker will be the total time an employee has been employed within the Fresno County Probation Department in a permanent position.

809.3.1 VACATION REQUESTS

During the month of January in each calendar year, all members may submit their vacation requests to their immediate supervisor in writing. Requests for vacation time off received by the unit supervisor during the month of January will be granted on a seniority basis according to the operational needs of the individual units, divisions, and department. The January deadline may be extended on a divisional basis at the discretion of the Division Deputy Chief.

Fresno County Probation Department

Probation Manual

Probation Manual

Vacation and Sick Leave

Requests for vacation time received after the final submission date established by an Executive Council Member or requests for individual days off will be handled on a first-come, first-served basis.

Vacation requests for each specific unit for the Deputy Probation Officer (DPO) and Victim Advocate (VA) series will be divided into two categories: DPO I-III and DPO IV, and VA and Senior VA. Vacation requests for each classification will be considered independently from one another based on the selection process set forth in Section 809.

809.3.2 AUTHORITY

Members of the Executive Council may delegate the authority to approve requests for vacation time.

809.3.3 PROMOTIONS OR REASSIGNMENTS

In the event a member is granted a reassignment, the right to any previously approved vacation remains in effect.

If the Department directs the reassignment of a member, any previously approved vacation scheduled for that member will remain in effect.

In the event a member is promoted (for example, a Deputy Probation Officer IV, Senior Victim Advocate, and Supervising Office Assistant) after vacation schedules are established, that member will, for the balance of that calendar year, be viewed as a new member within the unit/division for the purpose of granting vacation time off. If a 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.

If a DPO IV is reassigned as the result of a voluntary request and the new unit's DPO IVs have approved annual leave at the same time as the reassigned DPO IV, the supervisor will ask for volunteers to work on the conflicted days. Should no one volunteer to work, a DPO IV will be directed to work, based on seniority within the department.

809.3.4 GENERAL CONSIDERATIONS

Members of the Executive Council or the authorized designee may determine the maximum number of members within each operational unit who can be permitted to be on vacation at one time.

The Executive Council 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.

809.4 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick-leave benefits, or both.

Fresno County Probation Department

Probation Manual

Probation Manual

Vacation and Sick Leave

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 Policy).

809.4.1 NOTIFICATION

All members should notify the appropriate supervisor as soon as they are aware that they will not be able to report to work for their scheduled shift. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever practicable, provide the Department with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting any required documentation describing the type of time off used and the specific amount of time taken.

809.5 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

809.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with the Personnel Unit as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

809.7 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 employees.

Fresno County Probation Department

Probation Manual

Probation Manual

Vacation and Sick Leave

The Personnel Unit shall ensure that a poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave.

809.8 ISSUED DATE

- 03/30/2021

Smoking and Tobacco Use

811.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in 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 that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

811.2 POLICY

The 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 members and visitors in all Department facilities, buildings, and vehicles, within 20 feet of a main entrance, exit, or operable window of any public building, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

811.3 SMOKING AND TOBACCO USE

It shall be the responsibility of each 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).

811.3.1 SMOKE-FREE ENVIRONMENT

The Deputy Chief shall ensure that laws prohibiting smoking are enforced in the Juvenile Justice Campus facilities, during work details, and during program attendance, and that youth are not exposed to second-hand smoke while in custody at the Fresno County Juvenile Justice Campus (15 CCR 1511).

811.4 ISSUED DATE

- 10/07/2020

811.5 REVISED DATE(S)

- 05/27/2022

Personnel Complaints

812.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of 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 member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

812.2 POLICY

The Fresno County Probation Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of alleged misconduct in accordance with this policy and applicable federal, state, and local law and municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this Department to ensure that the community can report alleged misconduct without concern for reprisal or retaliation.

812.3 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. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

812.3.1 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 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 member and/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.

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Complaints

812.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.
- (b) Any department member becoming aware of alleged on-duty misconduct shall immediately notify a supervisor.
- (c) Supervisors shall notify the Division Deputy Chief of observed misconduct of any member who receive information from any source that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints will be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

812.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

812.4.1 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.

812.4.2 ACCEPTANCE

All written complaints will be accepted by any Department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be accepted orally, in person or by telephone. Such complaints will be directed to a supervisor.

A complainant shall be provided with a copy of their written statement at the time it is filed with the Department (Penal Code § 832.7).

812.4.3 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).

812.4.4 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 who 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).

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Complaints

- (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).

812.5 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 include the nature of the complaint and the actions taken to address the complaint.

812.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

812.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the initial gathering of information of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief Probation Officer or the authorized designee may direct that another supervisor, 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, written documentation is completed.
 - 1. The original written documentation will be directed via the chain of command to the accused member's 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 member's Deputy Chief or the Chief Probation Officer, who will initiate appropriate action.
- (b) Responding to all complaints in a 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 Deputy Chief and Chief Probation Officer are notified via the chain of command as soon as practicable.

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Complaints

- (e) Promptly contacting the Probation Personnel Unit and the 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 member are followed (Government Code § 3303 et seq.).
- (h) Ensuring interviews of the complainant are generally conducted during reasonable hours.

812.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Personnel Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, the member shall be compensated.
- (b) Unless waived by the member, interviews of an accused 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 member.
- (d) Prior to any interview, a 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 should be for a reasonable period, and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Complaints

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer may record interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview transcript shall be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or 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).

812.6.3 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 members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

812.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Complaints

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

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.

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.

812.6.5 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).

812.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as the member conducting the investigation deems appropriate, provided that confidential personnel information shall not be disclosed to the complainant.

812.7 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.

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.

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Complaints

Lockers and storage spaces may only be administratively searched in the member's presence; with the member's consent; with a valid search warrant; or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

812.7.1 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 strong possibility 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.

812.8 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 member to administrative leave. Any member 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 member may be required to remain available for contact at all times during such shift and will report as ordered.

812.9 CRIMINAL INVESTIGATION

The Chief Probation Officer shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief Probation Officer may request a criminal investigation by an outside law enforcement agency. Any separate administrative investigation may parallel a criminal investigation.

A member accused of criminal conduct shall be advised of the member's constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

812.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief Probation Officer. The Deputy Chief of the involved member shall review the report. The Chief Probation Officer may accept or modify any classification or recommendation for disciplinary action.

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Complaints

812.10.1 DEPUTY CHIEF RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Deputy Chief of the involved member may review the entire investigative file, the member's personnel file, and any other relevant materials.

The Deputy Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

812.10.2 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, the Chief Probation Officer shall determine the amount of discipline, if any, that should be imposed. If disciplinary action is proposed, the Chief Probation Officer shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written 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 member with:

- (a) Access to all of 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 member, the Chief Probation Officer may grant a reasonable extension of time for the member to respond.

Once the member has completed a response, or if the member has elected to waive any such response, the Chief Probation Officer shall consider all information received in regard to the recommended discipline. The Chief Probation Officer shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief Probation Officer has issued a written decision, the discipline shall become effective.

812.10.3 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)).

812.10.4 NOTICE REQUIREMENTS

The disposition of any citizen'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)).

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Complaints

812.11 PRE-DISCIPLINE MEMBER RESPONSE

The pre-discipline process is intended to provide the accused 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 prior to imposition of any recommended discipline. The member shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the 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 member may suggest that further investigation could be conducted, or the 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 member shall be provided with the results before the imposition of any discipline.
- (e) The 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.

812.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a 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.

812.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary members have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The 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 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).

812.14 PROBATIONARY MEMBERS AND OTHER MEMBERS

Extra-help and probationary members and those members other than non-probationary 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

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Complaints

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 members and those other than non-probationary 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.

812.15 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.

812.16 ISSUED DATE

- 03/23/2020

812.17 REVISED DATE(S)

- 12/15/2021
- 04/17/2023

Seat Belts

813.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all Members operating or riding in department vehicles.

813.1.1 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.

813.2 POLICY

It is the policy of the Fresno County Probation Department that Members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

Refer to Management Directive 900.

813.3 WEARING OF SAFETY RESTRAINTS

All Members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The Member driving such a vehicle shall ensure that all other occupants, including those who are not Members of the Department, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seatbelt would endanger the department member or the public. Members shall to justify any deviation from this requirement.

813.4 TRANSPORTING CHILDREN

Child passengers younger than 8 years old shall be transported using an approved child restraint system in compliance with Vehicle Code § 27360.

Rear-seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat shall be pushed back as far as possible, and the passenger-side airbag should be deactivated. If this is not possible, Members shall arrange alternate transportation when feasible.

Fresno County Probation Department

Probation Manual

Probation Manual

Seat Belts

813.5 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 Transporting Persons in Custody Policy.

Persons in custody in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

813.6 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.

Except in emergency situations, department vehicle seat belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express written authorization of the Chief Probation Officer.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

813.7 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.

813.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

813.9 ISSUED DATE

- 09/21/2020

Personnel Records

814.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

814.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the 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.

814.3 DEPARTMENT AGENCY FILE

The department file shall be maintained as a record of a 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 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.
- (f)
 1. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 2. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (g) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and sign/initial the comment (Government Code § 3305).
 1. Once a member has had an opportunity to read and sign/initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Records

3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (h) Commendations and awards.
- (i) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

814.4 SUPERVISOR'S FILE

Supervisor's files may be separately maintained internally by a 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 member prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

814.5 TRAINING FILE

An individual training file shall be maintained by the Training Assistant Deputy Chief for each 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 member is responsible for providing the Training Assistant Deputy Chief or 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 member's training file.

814.6 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 with the Chief Probation Officer or the authorized designee. Access to these files may only be approved by the Chief Probation Officer or the authorized designee.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal file:

- (a) Not sustained
- (b) Unfounded

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Records

(c) Exonerated

Investigative 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 member's career (Penal Code § 832.5).

Investigative 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).

814.6.1 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.

814.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Medical release forms, doctor's slips, and attendance records that reveal a member's medical condition.
- (d) Any other documents or materials that reveal the member's medical history or medical condition, including past, present, or future anticipated mental, psychological or physical limitations.

814.8 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.

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Records

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.

814.9 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Assistant Deputy Chief or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

814.9.1 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (see the Records Maintenance and Release Policy) (Penal Code § 832.7; Evidence Code § 1043).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. Disclosing of such information shall be limited to facts that refute any such false statement (Penal Code § 832.7).

814.9.2 REQUESTS FOR DISCLOSURE OF FORMER EMPLOYEE FILES

Members receiving requests for information from another agency regarding allegations of sexual abuse or sexual harassment involving a former employee should work with counsel to ensure compliance with Prison Rape Elimination Act (PREA) requirements (28 CFR 115.317).

814.9.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a preemployment background investigation except where specifically prohibited by law (Penal Code § 13670).

814.9.4 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

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Records

in a hate group, participated in a hate group activity, or advocated public expressions of hate are not confidential and shall be made available for public inspection though a public records request (Penal Code § 13683).

- (b) Records disclosed may be redacted (Penal Code § 13683):
1. To remove personal data or information, such as a home address, telephone number, email address, or identities of family members.
 2. To preserve the anonymity of complainants and witnesses.
 3. 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.
 4. 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.

814.10 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS/AGENTS

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)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Records

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 of 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)).

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Records

814.11 MEMBER ACCESS TO OWN PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief Probation Officer through the chain of command (i.e. supervisor, manager, Deputy Chief). The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline
- (b) Confidential portions of internal affairs files that have not been sustained against the member
- (c) Criminal investigations involving the member
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member
- (e) 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 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 member that may be discovered in a judicial proceeding
- (h) A member may petition the Chief Probation Officer to remove an Oral or Written Reprimand from the 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 member has not been disciplined.
 - During the past four years, the member has received only satisfactory performance evaluations.

The Chief Probation Officer's decision to grant or deny the petition is final and the member cannot grieve or otherwise appeal this decision.

Fresno County Probation Department

Probation Manual

Probation Manual

Personnel Records

If the Chief Probation Officer denies the petition, a member becomes eligible to submit a subsequent petition to the Chief Probation Officer to remove the Oral or Written Reprimand from the member's personnel file at least one year after the denial. During the period between the denial and subsequent petition, the 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 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 member's petition or subsequent petition to remove a written reprimand from the 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.

814.12 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established Fresno County records retention schedule.

814.13 ISSUED DATE

- 03/30/2021

814.14 REVISED DATE(S)

- 12/15/2021
- 05/27/2022
- 04/17/2023

Request for Change of Assignment

815.1 PURPOSE AND SCOPE

This policy establishes guidelines for department members to voluntarily request a change of assignment.

815.2 POLICY

It is the policy of the Fresno County Probation Department that all requests for change of assignment be considered in an equitable and nondiscriminatory manner.

815.3 REQUEST FOR CHANGE OF ASSIGNMENT

Members requesting a change of assignment shall submit a Reassignment Request Form through the chain of command to their Deputy Chiefs. Members shall remain in their current assignment for the period of time in accordance with their MOU prior to submitting a reassignment request.

The Reassignment Request Form provides members with the opportunity to list their qualifications for specific assignments. It should include:

- (a) The member's relevant experience, education, and training.
- (b) All assignments in which the member is interested.
- (c) Time in current assignment.

Such requests will be valid for a period of one-hundred eighty (180) days and must be renewed if the employee still desires to be considered for reassignment beyond that date. Requests from employees wishing to be reassigned will be given priority insofar as the best interest of the department will permit as determined by the department head. Employees to be reassigned will be given reasonable notice in advance of such reassignment whenever possible. Members shall be allowed to rescind a reassignment request at any time prior to a reassignment being granted.

When granted reassignment, the right to any previously approved annual leave remains in effect.

If a Deputy Probation Officer (DPO) IV is reassigned as the result of a voluntary request and the new unit's DPO IVs have approved annual leave at the same time as the reassigned DPO IV, the supervisor will ask for volunteers to work on the conflicted days. Should no one volunteer to work, a DPO IV will be directed to work, based on seniority within the department.

815.4 GUIDELINES FOR REQUESTED VOLUNTARY REASSIGNMENT

- (a) Members shall be in their current assignment a minimum of one (1) year before submitting a Reassignment Request Form unless otherwise directed or exempted by the MOU or the Chief Probation Officer.
- (b) Members may submit a Reassignment Request Form to desired positions even when vacancies do not exist.
- (c) The Reassignment Request Form will be given to the member's supervisor/manager who will recommend approval or disapproval, date and sign the Reassignment Request Form and forward it to the Executive Council (EC) member within the chain

Fresno County Probation Department

Probation Manual

Probation Manual

Request for Change of Assignment

- of command. If the supervisor/manager recommends disapproval, a reason must be given.
- (d) The EC member within the chain of command shall indicate on the Reassignment Request Form whether or not the request is approved. If the request is not approved, the reasons shall be stated in writing.
 - (e) After the EC member's action, the original Reassignment Request Form will be sent to the Probation Personnel Assistant Deputy Chief. Copies will be sent to the member and the member's supervisor/manager by the EC member who made the decision within 10 business days.
 - (f) The Probation Personnel Assistant Deputy Chief shall maintain a file of Reassignment Request Forms. The file will be reviewed on a monthly basis and those requests that have become invalid will be returned to the member.
 - (g) When a vacancy occurs, the EC member within the chain of command shall contact the Probation Personnel Assistant Deputy Chief and obtain a copy of all current Reassignment Requests Forms.
 - (h) The EC member must consider all reassignment requests prior to filling a vacancy with a new hire.
 - (i) The selected member shall be notified in writing and a copy of the communication will be placed in the member's personnel file.
 - (j) Members who have requested a reassignment and not selected for the position(s) requested, the Reassignment Request Form will be returned to the member following the expiration date.
 - (k) Unless a member receives one of the choices listed on their Reassignment Request Form, any other reassignment shall be deemed a directed reassignment.

815.5 RESPONSIBILITIES

815.5.1 SUPERVISORS

Upon receipt of a Reassignment Request Form, the supervisor shall make appropriate comments in the space provided on the document and forward it to the member's Deputy Chief.

815.5.2 DEPUTY CHIEFS

If the Deputy Chief receives a Reassignment Request Form from a member that does not contain a supervisor's signature, the Deputy Chief shall return it to the member without consideration.

815.5.3 CHIEF

If the Division Deputy Chief within the member's chain of command does not approve a request for reassignment, the member may appeal that action in writing [email is appropriate] to the Chief Probation Officer within ten working days upon receipt of the notice. The Chief Probation Officer's decision on the appeal shall not be further appealable or grievable.

Fresno County Probation Department

Probation Manual

Probation Manual

Request for Change of Assignment

815.6 ISSUED DATE

- 03/30/2021

Commendations and Awards

816.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Fresno County Probation Department and individuals from the community.

816.2 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 members and individuals from the community through commendations and awards.

816.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any Department member or by any person from the community.

816.4 CRITERIA

A meritorious or commendable act may include but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

816.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 1. For 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 case numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

816.4.2 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 members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 1. For members of the Department - name, division, and assignment at the date and time of the meritorious or commendable act.

Fresno County Probation Department

Probation Manual

Probation Manual

Commendations and Awards

2. For individuals from the community - name, address, telephone number.
- (b) A brief account of the meritorious or commendable act with case numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

816.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Deputy Chief for review. The 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 member for signature. The documentation will then be returned to the Administrative Services secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the member's Deputy Chief. The documentation will be signed by the 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 shall be maintained in a file designated for such records.

816.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Valor
- Award of Merit
- Lifesaving Award
- Meritorious Conduct

Criteria for each award and the selection, presentation, and display of any award are determined by the Chief Probation Officer.

816.6 ISSUED DATE

- 05/06/2020

Fitness for Duty

817.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The Fresno County Probation Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. The purpose of this policy is to require that all members of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

817.2 MEMBER RESPONSIBILITIES

- (a) It is the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential functions of the position.
- (b) Each 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 members are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any member who feels unable to perform their duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform duties, such observations and/or belief shall be promptly reported to a supervisor.

817.3 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform any duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility, or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions.
- (f) 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 member's Assistant Deputy Chief or 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 member may be suffering from an impairment or condition requiring intervention.

Fresno County Probation Department

Probation Manual

Probation Manual

Fitness for Duty

Supervisors shall maintain the confidentiality of any information consistent with this policy.

817.3.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform the essential functions of their position shall report 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 member to inquire about the conduct or behavior giving rise to the concerns.

817.3.2 DUTY STATUS

The Chief Probation Officer or the authorized designee should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of the job, arrangements will be made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of the job, the Chief Probation Officer or the authorized designee should immediately place the member on paid administrative leave and relieve the member of duty pending further evaluation.

817.4 NON WORK-RELATED CONDITIONS

Any 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 member or a qualified family member, the member's supervisor should facilitate the member's contact with Probation Personnel to initiate the leave process under the Family and Medical Leave Act.

817.5 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 member's confidential County personnel file maintained by the Department of Human Resources.

Any 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 with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

Fresno County Probation Department

Probation Manual

Probation Manual

Fitness for Duty

If a member has been deemed fit for duty by the examining physician or therapist, the member will be notified by the Department's Personnel Unit to resume their duties.

Members may also refer to Fresno County Personnel Rule 8.

817.6 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.

Absent emergency operations, members should not work more than:

- 16.5 hours in a one-day (24 hours) period.

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

817.7 ISSUED DATE

- 03/23/2020

817.8 REVISED DATE(S)

- 05/27/2022

Lactation Breaks

818.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Labor Code § 1034).

818.2 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 member desiring to express breast milk for her infant nursing child (29 USC § 207; Labor Code § 1030). Members may also refer to Fresno County Board of Supervisors Administrative Policy No. 59, Lactation Accommodation.

818.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period 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 member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify a supervisor before taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

818.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from coworkers and the public (29 USC § 207; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

Fresno County Probation Department

Probation Manual

Probation Manual

Lactation Breaks

818.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

818.6 STATE REQUIREMENTS

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

818.7 ISSUED DATE

- 05/06/2020

Payroll Records

819.1 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.

819.2 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their direction.

819.3 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions such as holidays. Payroll records shall be completed and submitted to Timekeepers as established by Main Payroll.

819.4 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).

819.5 ISSUED DATE

- 10/07/2020

Overtime Compensation

820.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for members, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.). County Salary Resolution, and applicable Memoranda of Understanding with labor organizations.

820.2 POLICY

The Fresno County Probation Department will compensate nonexempt members who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Members who are salary exempt from FLSA are not compensated for overtime worked.

While both the Fresno County Salary Resolution and Probation Department policies discourage the working of overtime, it is recognized that on some occasions, it is a necessity. Whenever workload demands which may generate overtime can be recognized in advance, alternative strategies (such as modified work day/week, reassignment of work to other staff, use of extra-help personnel, or delay of work completion) should be considered before overtime is authorized or worked.

Members may also refer to Fresno County Administrative Policies, No. 68, Overtime – 24 Hour Facilities, and No. 69, Overtime – Non 24-Hour Facility Operations. Similarly, members may refer to Salary Resolution Section 800 – Overtime, located under the Salary Resolution as well as the member's respective Memoranda of Understanding (MOU), and this Policy shall be interpreted and enforced in such a manner as to be consistent with the aforementioned Administrative Policies and Salary Resolution provision.

820.3 COMPENSATION

Payment of wages to nonexempt members for overtime, or accrual of compensatory time (for eligible members) in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)): (see also County Salary Resolution and applicable Memoranda of Understanding with labor organizations).

Salary exempt members may be eligible for administrative time, which may be granted at the discretion of the exempt member's immediate supervisor (See Fresno County Salary Resolution 812.2).

820.4 REQUESTS FOR OVERTIME COMPENSATION

820.4.1 MEMBER RESPONSIBILITIES

Generally, no member is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt members shall:

Fresno County Probation Department

Probation Manual

Probation Manual

Overtime Compensation

- (a) Obtain supervisory approval, verbal or written.
- (b) Not work in excess of 16 hours, including regularly scheduled work time, overtime, and extra-duty time, in any consecutive 24-hour period without supervisory approval.
- (c) Record the actual time worked in an overtime status using the department-approved method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.

820.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing a member to work overtime, evaluate the need for the overtime.
 1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of department resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked is accurately reflected on the time sheet.
 1. Supervisors identifying any unauthorized overtime or discrepancy shall notify the Division Deputy Chief.

Supervisors may not authorize or approve their own overtime.

820.5 VARIATION IN TIME REPORTED

When two or more members are assigned to the same overtime activity (e.g., field work, court hearing), and the amount of time for which overtime compensation is requested varies among the members. The Division Deputy Chief or other approving supervisor may require each member to include the reason for the variation on the overtime compensation request.

820.6 REQUESTING USE OF COMPENSATORY TIME

Members who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request if the request does not unduly disrupt department operations. Requests to use compensatory time will be submitted to the member's supervisor in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Compensatory time may not be used for time off for a date and time when the member is required to appear in court on department-related matters. Supervisors shall not unreasonably deny members' requests to use compensatory time (29 CFR 553.25).

Members may request to be paid in cash at any time for accrued CTO. Accrued hours may be paid off annually in cash at a time selected by the Chief Probation Officer at his/her discretion.

820.7 ISSUED DATE

- 09/21/2020

Outside Employment

821.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized outside employment.

821.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by members of this department for another employer, organization, or individual not affiliated directly with this department when wages, compensation, or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products, or benefits rendered.

821.2 POLICY

Members of the Fresno County Probation Department shall obtain written approval from the Chief Probation Officer or the authorized designee prior to 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. Members may also refer to Fresno County Ordinance, No. 3.08.130, Noncounty Employment Prohibited, located under County Ordinances.

821.3 OUTSIDE EMPLOYMENT

821.3.1 REQUEST AND APPROVAL

Members must submit the designated outside employment request form to their immediate supervisors. The request form will then be forwarded through the chain of command to the Chief Probation Officer or the authorized designee for consideration.

If approved, the member will be provided with a copy of the approved request form. Unless otherwise indicated in writing on the request form, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue outside employment must submit a new request form at the start of each calendar year. The request form is located in the Probation Department's case management system.

821.3.2 DENIAL

Any member whose request for outside employment has been denied shall be provided with a written notification of the reason at the time of the denial (Penal Code § 70(e)(3)).

821.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended shall be provided with a written notification of the reason for revocation or suspension (Penal Code § 70(e)(3)).

Fresno County Probation Department

Probation Manual

Probation Manual

Outside Employment

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.
 - 1. Approval for the outside employment may be reestablished when the member's performance has reached a satisfactory level and with supervisor's authorization.
- (b) When a member's conduct or outside employment conflicts with department policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the Department or County.
- (d) When the outside employment conflicts with the member's regular workday.

821.3.4 APPEAL

If a member's request for outside employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Chief Probation Officer within 10 days of receiving notice of the denial, revocation, or suspension.

A revocation or suspension will only be implemented after the member has completed the appeal process.

If the member's appeal is denied, the member may file a grievance as provided in the Grievances Policy.

821.4 REQUIREMENTS

821.4.1 PROHIBITED OUTSIDE EMPLOYMENT

Any activities performed during working hours for the purpose of promoting a second income are prohibited. The use of Probation Department facilities and/or equipment by Department employees to conduct activities that promote or result in personal income is 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.
- (g) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that the member would be required or expected

Fresno County Probation Department

Probation Manual

Probation Manual

Outside Employment

to render in the course or hours of employment, appointment, or as a part of 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 member of this department.
- (i) Demands upon the member's time that would render the performance of duties for this department deficient or substandard.
- (j) Activities that may conflict with any other policy or rule of the Department.

821.4.2 SECURITY AND PROBATION OFFICER OUTSIDE EMPLOYMENT

Provided that they receive approval in accordance with Section 821.3 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 (Penal Code § 70).

821.4.3 DEPARTMENT RESOURCES

Members are prohibited from using any department equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against any member using a position with this department to gain access to official records or databases of this department or other agencies.

821.4.4 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates outside employment, the member shall submit written notification, within ten calendar days, of such termination to the Chief Probation Officer through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also 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. Members who are uncertain whether a change in outside employment is material are advised to report the change.

821.4.5 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five 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), and make a recommendation to the Chief Probation Officer regarding whether such employment should continue.

In the event that the Chief Probation Officer determines that the outside employment should be discontinued, or if the member fails to promptly notify the immediate supervisor of the member's

Fresno County Probation Department

Probation Manual

Probation Manual

Outside Employment

intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's medical professional advisers.
- (b) The outside employment requires performance of the same or similar physical ability as would be required of an on-duty member.
- (c) The member's failure to make timely notice of the member's intention to the supervisor.

When the member returns to full duty with the Fresno County Probation Department, a written request may be submitted to the Chief Probation Officer to approve the outside employment request.

821.5 ISSUED DATE

- 10/07/2020

Work-Related Illness and Injury Reporting

822.1 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.

822.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

822.2 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.).

822.3 RESPONSIBILITIES

822.3.1 MEMBER RESPONSIBILITIES

Any member suffering from any occupational illness or work-related injury shall report such event as soon as practicable, but within 24 hours to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

822.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational illness should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide injury- or illness-reporting protocol shall also be followed. Members may also refer to Management Directive 1030 and the Fresno County Human Resources, Risk Management – Workers' Compensation webpage.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

822.3.3 DEPUTY CHIEF RESPONSIBILITIES

The 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 illness 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.

Fresno County Probation Department

Probation Manual

Probation Manual

Work-Related Illness and Injury Reporting

822.4 OTHER ILLNESS OR INJURY

Illnesses and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the Supervisor's Investigation Report (SIR), which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Deputy Chief through the chain of command.

822.5 ISSUED DATE

- 11/30/2020

Personal Appearance Standards

823.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Fresno County Probation Department.

Requirements for department uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

823.2 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, the Courts and public we serve.

823.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Chief Probation Officer has granted an exception.

823.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, dirty/stained clothing and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., physical disability, cultural) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation through the chain of command to the Chief Probation Officer.

823.3.2 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 of or donning of any departmental headgear or emergency equipment nor restrict or interfere with the employees 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 the field or at the Juvenile Justice Campus (JJC), hairstyles for department 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 or in a tightly wrapped braid or ponytail that is secured to the head.

Fresno County Probation Department

Probation Manual

Probation Manual

Personal Appearance Standards

823.3.3 FACIAL HAIR

Facial hair (i.e. mustaches, sideburns, and beards) must be trimmed, neatly groomed and maintain a professional appearance that will not present a safety concern.

823.3.4 FINGERNAILS

Fingernails shall be clean and neatly trimmed to a length and shape that will not present a safety concern nor interfere with your current job duties. The color and presentation of fingernail polish shall present a professional image.

823.4 APPEARANCE

823.4.1 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 shall not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

823.4.2 TATTOOS

Staff 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.

823.4.3 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.

823.4.4 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 that are bonded to front teeth.
- (b) Gold, platinum, or other veneers or caps used for decorative purposes.
- (c) Orthodontic appliances that are colored for decorative purposes. (Colored rubber bands are acceptable.)

823.4.5 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

Fresno County Probation Department

Probation Manual

Probation Manual

Personal Appearance Standards

required are prohibited while on-duty or while representing the Fresno County Probation Department in any official capacity.

823.4.6 COSMETICS AND FRAGRANCES

Cosmetics and fragrances shall be conservative and present a professional image.

823.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief Probation Officer should be advised 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 should generally be accommodated absent unusual circumstances.

823.6 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). “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.

823.7 ISSUED DATE

- 10/07/2020

Dress Attire

824.1 PURPOSE AND SCOPE

This policy provides guidelines for officer and civilian attire regulations and Fresno County Probation Department-authorized attire. The purpose of this policy is to ensure that officers are readily identifiable to the public through the proper use and wearing of department-authorized attire, and that the appearance of members who wear civilian attire reflects favorably on the Department.

This policy also addresses the wearing and maintenance of department-authorized attire, accessories, insignia, patches, and badges; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the Department.

Other related topics, including authorized and unauthorized use of badges, lost or stolen badges, and the use of the badge or likeness by employee groups, are addressed in the Badges, Patches, and Identification, Department-Owned and Personal Property, and Personal Appearance Standards policies.

824.2 POLICY

The Fresno County Probation Department will provide authorized attire for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's collective bargaining agreement or memorandum of understanding. The Department may provide other department members with authorized attire at the direction of the Chief Probation Officer.

All authorized attire and equipment issued to department members shall be returned to the Department upon termination, resignation, or retirement.

824.3 AUTHORIZED ATTIRE

The Chief Probation Officer or the authorized designee shall maintain and update authorized attire and equipment specifications, which should be referred to by all members as needed. Authorized attire shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear department-authorized attire:

- (a) Attire and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Attire shall be neat, clean, and pressed.
- (b) Officers in armed assignments shall possess and maintain at all times serviceable attire and the necessary equipment to perform field duty.
- (c) Attire shall be worn in compliance with any applicable department specifications.
- (d) Members shall wear only the attire specified for their classifications and assignments.
- (e) Department-issued attire is only to be worn while on-duty, or when authorized by the Chief Probation Officer or the authorized designee. When Department-issued attire is worn while in transit to and from work, a non- issued outer garment shall be worn

Fresno County Probation Department

Probation Manual

Probation Manual

Dress Attire

over the Department-issued shirt/equipment to avoid bringing attention to the member while off-duty unless the member is traveling directly to work from home or from work to home. For example, no interrupted stops such as the grocery store, gas station, or pick up a child from a school or daycare.

- (f) Court or Business Casual attire shall be worn when representing the Department at events such as: Memorial Services, Peace Officers Memorial, Swearing in Ceremony, and Victims Quilt Unveiling. BDU's (Battle Dress Uniform) or tactical gear is not acceptable attire unless approved by the Chief Probation Officer or the authorized designee. This section does not apply if the member is on their own time and there is no indication the member is representing the department.
- (g) Training Attire - 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 individual trainer and/or training facility.
- (h) Members are not to purchase or drink alcoholic beverages while wearing any part of department-issued attire to include any visible Department insignias.
- (i) All supervisors may perform periodic inspections of members under their commands to ensure conformance to this policy.

824.3.1 ACCESSORIES

Members shall adhere to the following when wearing department-authorized attire:

- (a) Jewelry shall be in accordance with the specifications in the Personal Appearance Standards Policy.

824.3.2 INSIGNIA, PATCHES, AND BADGE

Only the following elements may be affixed to department-issued attire unless an exception is authorized by the Chief Probation Officer:

- (a) Shoulder patch - The authorized shoulder patch supplied by the Department shall be affixed to the sleeves of all department-issued attire.
- (b) Badge - The department-issued badge, or an authorized affixed cloth replica, must be worn and visible at all times while on duty. (refer to Badges, Patches, and Identification Policy).
- (c) American flag emblem - An American flag emblem may be worn, centered above the nameplate, when wearing a tactical vest as approved by the Chief Probation Officer or the authorized designee.

824.3.3 MOURNING BAND

Peace officers shall wear a black mourning band across the department badge whenever a law enforcement or probation officer is killed in the line of duty or as directed by the Chief Probation Officer or the authorized designee. The mourning band should be worn from 11 to 5, as if looking at the face of a clock. The following mourning periods will be observed:

Fresno County Probation Department

Probation Manual

Probation Manual

Dress Attire

- (a) Fresno County Probation Department officer - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- (d) National Peace Officers' Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief Probation Officer.

824.4 COURT ATTIRE

The Chief Probation Officer or the authorized designee shall determine what is to be worn by each department member or any deviations that may be authorized.

Court attire is described as:

- (a) Suits, sport coats, blazers or dress jackets
- (b) Dress pants, 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.

Officers shall have the appropriate Court attire available in their designated work area for a court appearance.

824.4.1 TACTICAL DRESS ATTIRE

The Tactical Dress Attire consists of the following:

- (a) Department-approved polo shirt, long or short sleeved
- (b) Approved pants
- (c) Approved duty belt
- (d) Approved shoes or boots (solid black athletic shoe is allowable)

The Chief Probation Officer or the authorized designee will establish the specifications, regulations, and conditions for wearing the tactical dress attire.

824.4.2 SPECIALIZED ASSIGNMENT UNIFORM

The Chief Probation Officer or the authorized designee may authorize certain uniforms to be worn by members in specialized assignments, such as canine handlers and other specific assignments.

Fresno County Probation Department

Probation Manual

Probation Manual

Dress Attire

824.5 OFFICE ATTIRE

The following guidelines are set forth for all members, volunteers, and vendors functioning within the Fresno County Probation Department and are intended to provide consistency in appearance standards and promote pride in appearance throughout the department.

- (a) Clothing should be neat and clean at all times. Clothing should not be torn, frayed, faded or in obvious need of repair.
- (b) The style of clothing worn shall not be of a revealing or suggestive nature and should not contain messages promoting profanity, illegal activities, or inappropriate behaviors.
- (c) For increased safety, when working in a capacity in which there may be a need to intervene with clients, footwear should be of a type that is enclosed, attaches securely to the feet, and has soles that provide good traction. Footwear should have a good heel that does not present a safety issue or hazard.
- (d) Department logo polo shirts may be worn. Approved colors are white, black and navy blue.
- (e) Only an all-black baseball-type hat or black form-fitting beanie, with or without the Department's logo, may be worn when staff chooses to wear a hat on duty. Hats must be removed when entering any government building or business structure. Training is an exemption as long as it is not superseded by an individual trainer and/or training facility. During range training or simunition training that occurs outdoors, an officer may wear what is commonly known as a Boonie Hat (black or tan). Range Masters have the final authority to determine if the Boonie Hat wear would hinder the performance of the tactical exercise or drill and as such will make the final determination as to its wear.
- (f) Black, brown, gray and white athletic/tennis shoes may be worn with black, brown, gray or white accents.
- (g) Members may tuck their pants into their boots. Leggings or stretch pants tucked into boots is not allowable, unless worn with a dress or skirt.

824.5.1 MINIMUM STANDARDS

- (a) Probation Department staff should not appear any less professional in their appearance than one would find an office providing face to face service to the public; therefore, the following are examples of items that do not meet minimum standards of professional attire;
 - Capri pants or pedal pushers (pants above mid-calf)
 - Clothing that includes advertisements and athletic team logos
 - Denim pants (all colors)
 - Ill-fitting, i.e. excessively tight or baggy clothing
 - Jogging/athletic suits/sweatpants
 - Midriff tops
 - Rompers/Jumpsuits/Overalls

Fresno County Probation Department

Probation Manual

Probation Manual

Dress Attire

- Shorts/bike shorts
 - Suggestive attire, i.e. revealing or see through garments
 - Tank tops
 - T-Shirts
 - Apparel endorsing or opposing a political viewpoint, social issue or cause.
 - Sweatshirts, shirts (short or long) with hoods
 - Yoga pants
 - Undergarments must be covered at all times
 - Zorries/flip-flops/Ugg type boots
- (b) Variations from this policy are allowed at the discretion of the Chief Probation Officer or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.
- (c) No item of a member's attire that would adversely affect the reputation of the Fresno County Probation Department or the morale of the members may be worn while on-duty.

824.6 OPTIONAL EQUIPMENT

Any items that are allowed by the Fresno County Probation Department but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the department.

Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).

Replacement of items listed in this policy as optional shall be managed as follows:

- (a) When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.
- (b) When the item is no longer functional because of damage in the course of the member's duties, it shall be replaced in accordance with the Department-Owned and Personal Property Policy.

824.7 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

Department members may not wear any uniform, attire, item, accessory, or attachment unless specifically authorized by the Chief Probation Officer or the authorized designee.

Department members may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by the Chief Probation Officer or the authorized designee.

824.8 SANCTIONS

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 the member's own time (annual leave

Fresno County Probation Department

Probation Manual

Probation Manual

Dress Attire

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.

824.9 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 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.

824.10 ISSUED DATE

- 06/28/2021

Conflict of Interest

825.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Fresno County Probation Department.

825.1.1 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 member's action, inaction, or decisions are or may be influenced by a personal or business relationship.

825.2 POLICY

Members of the Fresno County Probation Department are expected to conduct themselves with the utmost professional integrity both on and off duty. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of Department members and the public, and thereby maintain the trust of the public and other Department members. 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.

825.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among members (Government Code § 12940):

- (a) Members are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other member who is a relative within the third degree by blood or marriage, or with whom they are involved in an intimate, personal, social, or business relationship. 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 defer matters pertaining to the involved member to an uninvolved supervisor.
 2. The Department will avoid placing members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification to avoid conflicts with any provision of this policy.

Fresno County Probation Department

Probation Manual

Probation Manual

Conflict of Interest

- (b) Members are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting a member who is a relative within the third degree by blood or marriage or with whom they are involved in an intimate, personal, social, or business relationship.

825.4 MEMBER RESPONSIBILITIES - CONFLICT OF INTEREST

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member). Failure to adhere to the following directives shall constitute cause for discipline:

Whenever any member is placed in circumstances that would require the member to take enforcement action or provide official information or services to any relative or individual with whom the member is involved in an intimate, personal, social, or business relationship, that member shall promptly notify an uninvolved, immediate supervisor.

If no uninvolved supervisor is immediately available, the member shall promptly notify the Chief Probation Officer or the authorized designee to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action.

- (a) Members of the department shall treat all official business, reports, and records of the department as confidential. 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. Members may also refer to the department's Protected Information policy.
- (b) 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 member will make direct referrals to any program by which they are employed or have a direct or indirect financial or fiduciary interest.
- (d) Members shall not use the department's mailing or e-mail address for personal business.
- (e) Members shall conduct their personal business activities outside of regular working hours.
- (f) 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 who are relatives, friends, business associates, or are people they know on a personal basis (e.g., roommate, cohabitant, dating relationship, neighbor, etc.). When members become aware of any of their own or another member's relatives or personal friends or associates being referred to the Department, whether as defendants, victims, or witnesses, this information shall be communicated

Fresno County Probation Department

Probation Manual

Probation Manual

Conflict of Interest

immediately to a supervisor. It will be the responsibility of the supervisor to communicate this information to Executive Council and, in turn, 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. Members shall not submit separate recommendations, reports, or letters to the Court that are outside of the official report being submitted. 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.

825.5 MEMBER RESPONSIBILITIES - RELATIONSHIPS WITH PERSONS UNDER DEPARTMENT SUPERVISION

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 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) 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) Members shall not knowingly fraternize with former persons under Department supervision when their relationship originates as the result of the member's employment with the department.
- (c) Members aware of fraternization between other 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 member.

Fresno County Probation Department

Probation Manual

Probation Manual

Conflict of Interest

- (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.
- (f) When in doubt, members shall contact their immediate supervisor for clarification or direction regarding this policy.

825.6 SUPERVISOR RESPONSIBILITIES

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief Probation Officer or the authorized designee of such actual or potential violations through the chain of command.

825.7 ISSUED DATE

- 09/16/2022

Badges, Patches, and Identification

826.1 PURPOSE AND SCOPE

The Fresno County Probation Department 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.

826.2 POLICY

The Fresno County Probation Department issues each member, collaborative partner, outside vendor, or volunteer, appropriate identification, which may include a badge, logo, patch, and/or identification card, depending on the individual's position within the Department.

It is the policy of the Fresno County Probation 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. Non-armed peace officers may conceal their badge while out in the community.

826.3 MEMBER RESPONSIBILITIES

Members of the Fresno County Probation Department will use the badge, logo, patch, and identification card, as well as the likeness of these items, appropriately and professionally. The badge, logo, patch, and identification card shall only be displayed or used by a member when acting in an official or authorized capacity.

Department members shall not:

- (a) Display or use the badge, patch, or identification card for personal gain or benefit.
- (b) Loan the badge, patch, or identification card to others or permit these items to be reproduced or duplicated.
- (c) Use images of the badge, patch, or identification card, or the likeness thereof, or the Fresno County Probation Department name, for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications, such as email, blogs, social networking, or websites.

All badges, patches and identification cards shall be turned in to the immediate supervisor when new ones are issued, and upon a member's resignation, termination and/or retirement from service. The respective member's supervisor is responsible for forwarding recovered items to the Personnel Unit.

826.4 LOST OR STOLEN BADGE, PATCH, OR IDENTIFICATION CARD

Each member, collaborative partner, outside vendor, or volunteer shall immediately notify their supervisor, no later than the next business day, whenever their badges, patches, or identification cards are stolen, lost, damaged, or are otherwise removed from their control.

Fresno County Probation Department

Probation Manual

Probation Manual

Badges, Patches, and Identification

826.4.1 REPORTING LOST/STOLEN BADGES

- (a) It is the 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 member shall submit a written report to the Chief Probation Officer through the chain of command. The 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 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.
- (b) If only one of the set of badges is missing and/or stolen, the remaining badge shall be turned in to the Training Assistant Deputy Chief for disposal.

826.4.2 REPORTING LOST/STOLEN IDENTIFICATION CARDS AND/OR PATCHES

It is the responsibility of each 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 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 missing and/or lost or stolen. The report shall be given to their supervisor who will submit it to the Division Deputy Chief, before the replacement of the identification card(s).

826.5 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 if they choose to display the badge from their belt. Both badges will have the same badge number.

826.5.1 METHOD OF DISPLAY

Acceptable methods of peace officer badge display are:

- (a) On the peace officer's belt using the issued belt clip.
- (b) Pinned to the jacket, skirt, or blouse after removing the belt clip.
- (c) Worn on a lanyard around the neck.
- (d) Affixed to the mesh vest.
- (e) Affixed to the Department-issued thigh holster.
- (f) As approved in writing by the Chief Probation Officer or Division Deputy Chief.

Fresno County Probation Department

Probation Manual

Probation Manual

Badges, Patches, and Identification

826.5.2 IDENTIFICATION

When officers are carrying their firearm, they must be clearly identifiable unless the requirement is waived by a supervisor for a special circumstance. Some examples of identification are as follows: Badge, shirt/polo with department insignia, jacket with department insignia, and tactical/molle vest. Depending upon the circumstance, the officer may be required to wear specific identification when participating in an operation.

826.5.3 RETIREE BADGES

Refer to Retiree Concealed Firearms Policy.

826.5.4 ISSUANCE OF IDENTIFICATION CARDS FOR RETIRED PEACE OFFICERS

Refer to Retiree Concealed Firearms Policy.

826.5.5 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the badge shall not be used for any purpose without the express written authorization of the Chief Probation Officer or the authorized designee and shall be subject to the following:

- (a) An authorized employee group may use the likeness of the badge for merchandise and official employee group business, provided it is used in a clear representation of the employee group and not the Fresno County Probation Department. The likeness must receive prior written approval from the Chief Probation Officer or the authorized designee, prior to use by the authorized employee group. Furthermore, the following modification shall be included:
 1. Any text identifying the Fresno County Probation Department shall be replaced with the name of the employee group.
 2. A badge number shall not be included. That portion of the badge may display the acronym of the employee group.

826.6 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, K-9) shall be submitted to the Chief Probation Officer in writing.

Only patches issued by this Department are authorized to be displayed or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members, with the written approval of the Chief Probation Officer, may request additional patches at their own expense.

826.7 IDENTIFICATION CARDS

All members will be issued an official Fresno County Probation Department identification card. Sworn members will have the members name, full-face photograph, member identification number, date of issuance, title, the official seal of the Department and County of Fresno. On the back of the card it will reflect your Peace Officer powers. Non-sworn members will have the

Fresno County Probation Department

Probation Manual

Probation Manual

Badges, Patches, and Identification

County of Fresno seal, members name, full-face photograph, title, and date of issuance. Vendors/ volunteers will have the County of Fresno seal, members name, full-face photograph, title, and date of issuance and expiration date. All members shall be in possession of their Department-issued identification cards at all times while on-duty or in Department facilities.

- (a) Whenever on-duty or acting in an official capacity representing the Department, members shall display their Department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.
- (b) Members working specialized assignments may be excused from the possession and display requirements when directed by their Deputy Chiefs.

The Probation Department's Personnel Unit will be responsible for preparing all photo identification cards issued by the Department.

826.7.1 RETURN OF DEPARTMENTAL IDENTIFICATION

Members separating from the Probation Department will turn in all Departmental identification to their immediate supervisor. The supervisor is responsible for collecting and forwarding a member's identification cards to the Probation 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.

826.7.2 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 employees, as well as vendors and contractors (See Management Directive 3015).

826.8 BUSINESS CARDS

The Department will supply business cards to those members whose assignments involve frequent interaction with the public, or who may require the use of a business card. The only authorized business cards are those issued or approved by the Department, and should contain identifying information including, but not limited, to the member's name, division, badge, or other identification number and contact information (e.g., telephone number, email address).

Members should provide a business card to any member of the public who requests one.

826.9 ISSUED DATE

- 09/21/2020

826.9.1 REVISED DATE(S)

- 09/16/2021
- 05/27/2022

Temporary Modified-Duty Assignments

827.1 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 members 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 member with a temporary or permanent disability that is protected under federal or state law.

827.2 POLICY

Subject to operational considerations, the Fresno County Probation Department may identify temporary modified-duty assignments for members who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the member to work while providing the Department with a productive member during the temporary period.

827.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to members with work-related injuries or illnesses that are temporary in nature. Members having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act shall be treated equally, without regard to any preference, for a work-related injury (Government Code § 12940 et seq.).

No position in the Fresno County Probation Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not a 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 member's ability to perform in a modified-duty assignment.

The Chief Probation Officer or the authorized designee may restrict 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.

827.4 PROCEDURE

Members may request a temporary modified-duty assignment for injuries or illnesses.

Members seeking a temporary modified-duty assignment should submit a written request to their Deputy Chief or their authorized designee (e.g. immediate supervisor, Department's Personnel Unit). The request should, as applicable, include a certification from the treating medical professional containing:

Fresno County Probation Department

Probation Manual

Probation Manual

Temporary Modified-Duty Assignments

- (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 member can safely perform the duties of the temporary modified-duty assignment.

The 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 member. The Chief Probation Officer or the authorized designee may confer with the Department of Human Resources or the County Counsel as appropriate.

827.5 ACCOUNTABILITY

Written notification of assignments, work schedules, and any restrictions shall be provided to members assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations.

827.5.1 MEMBER RESPONSIBILITIES

The responsibilities of members assigned to temporary modified duty shall include but are not limited to:

- (a) Communicating about 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.

827.5.2 SUPERVISOR RESPONSIBILITIES

The 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 Deputy Chief of the status and performance of members assigned to temporary modified duty.
- (b) Notifying the Deputy Chief and ensuring that the required documentation facilitating a return to full duty is received from the member.
- (c) Ensuring that members returning to full duty have completed any required training and certification.

Fresno County Probation Department

Probation Manual

Probation Manual

Temporary Modified-Duty Assignments

827.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, members shall be required to provide certification from their treating medical professional(s) 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 a member to full-duty status, in accordance with the Fitness for Duty Policy.

827.7 PREGNANCY

If a member is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the member will be treated the same as any other employee with a temporary disability. A pregnant member shall not be involuntarily transferred to a temporary modified-duty assignment (42 USC § 2000e(k)).

827.7.1 NOTIFICATION

As soon as practicable after learning that they have pregnancy-related job restrictions or limitations, members shall notify their immediate supervisors and provide a statement from their medical provider(s) identifying such job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the member to take a leave of absence, such leave shall be considered and granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

827.8 MAINTENANCE OF CERTIFICATION AND TRAINING

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. 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 medical provider(s).

827.9 ISSUED DATE

- 09/21/2020

Speech, Expression, and Social Networking

828.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Fresno County Probation Department.

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

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

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

828.2 POLICY

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

828.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of Fresno County Probation Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. 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:

- Disclosing a photograph and name or address of an officer who is working in a specialized assignment or interagency task force.

Fresno County Probation Department

Probation Manual

Probation Manual

Speech, Expression, and Social Networking

- Disclosing the address or contact information of a fellow department member.
- Otherwise disclosing where another officer can be located off-duty.

828.4 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 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 capacity that tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members.
- (c) Speech or expression that, while not operating in an official capacity, is significantly linked to the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. constitutions.
 2. Expression that demonstrates support for criminal activity.
 3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (d) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (e) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).
- (f) Speech or expression that is contrary to the principles of the Probation Code of Ethics as adopted by the Department.
- (g) Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief Probation Officer or the authorized designee.
- (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

Fresno County Probation Department

Probation Manual

Probation Manual

Speech, Expression, and Social Networking

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 this circumstance:
 - 1. When brief personal communication may be warranted by the circumstances presented to the member.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the member (e.g., social or personal website).

828.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Fresno County Probation Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief Probation Officer or the authorized designee (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 any motion picture, film, video, or public broadcast, or on any website.

Additionally, when it can reasonably be construed that a member, acting in the individual's own capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Fresno County Probation Department.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

Fresno County Probation Department

Probation Manual

Probation Manual

Speech, Expression, and Social Networking

828.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., 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 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.

828.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief Probation Officer or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would reflect negatively upon the Department.
- (c) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the 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.

828.7 ISSUED DATE

- 11/30/2020

828.8 REVISED DATE(S)

- 05/27/2022

Line-of-Duty Deaths or Serious Bodily Injury

830.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Fresno County Probation Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief Probation Officer may also apply some or all of this policy in situations where members are injured in the line of duty, and the injuries are life-threatening.

830.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing probation-related functions while on-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member, and whether the individual was previously designated by the deceased member.

830.2 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 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.

830.3 INITIAL ACTIONS BY EXECUTIVE COUNCIL

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Department.
 1. Communication of information concerning the member and the incident should be 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 Deputy Chief should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Deputy Chief or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

Fresno County Probation Department

Probation Manual

Probation Manual

Line-of-Duty Deaths or Serious Bodily Injury

- (d) The Chief Probation Officer or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

830.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief Probation Officer or the authorized designee should review the deceased member's emergency contact information, and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief Probation Officer, Deputy Chief, or the authorized designee should select at least two members, or one member and a member of the clergy, to conduct notification of survivors in person if practicable.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in Department vehicles when possible. Notifying members shall inform the Hospital Liaison using secure means, that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

Fresno County Probation Department

Probation Manual

Probation Manual

Line-of-Duty Deaths or Serious Bodily Injury

- (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 members may be apprised that survivor notifications are complete.

830.4.1 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 member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief Probation Officer.

830.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief Probation Officer are responsible for notifying Department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure means and should not be transmitted over the radio when feasible.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., chaplain, counselor, peer support group, Employee Assistance Program, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Members should not disclose any information outside the Department regarding the deceased member or the incident.

Fresno County Probation Department

Probation Manual

Probation Manual

Line-of-Duty Deaths or Serious Bodily Injury

830.6 LIAISONS AND COORDINATORS

The Chief Probation Officer or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death 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. 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.

830.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Deputy Chief or of sufficient rank to effectively coordinate Department resources and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief Probation Officer. The Department Liaison's responsibilities 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) Follow federal and state guidelines regarding the display of flags at half-staff.
- (g) Ensuring that Department members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

830.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

Fresno County Probation Department

Probation Manual

Probation Manual

Line-of-Duty Deaths or Serious Bodily Injury

- (a) Arrange for appropriate and separate waiting areas for:
 1. The survivors and others whose presence is requested by the survivors.
 2. Department members and friends of the deceased member.
 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Fresno County Probation Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

Other responsibilities of the Hospital Liaison may include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting actions at the conclusion of liaison duties.

830.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Deputy Chief. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working. If the member has completed an emergency notification form, it should be used for this purpose.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

Fresno County Probation Department

Probation Manual

Probation Manual

Line-of-Duty Deaths or Serious Bodily Injury

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 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 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 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 a supportive relationship with survivors.

830.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief Probation Officer or the authorized designee, liaisons, coordinators, and other resources to make CISM and counseling services available to members who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator may include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.

Fresno County Probation Department

Probation Manual

Probation Manual

Line-of-Duty Deaths or Serious Bodily Injury

3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are afforded appropriate CISM support as soon as possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

830.6.5 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 is 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.

830.6.6 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 Work-Related Illness and Injury Reporting Policy).
- (b) Researching and assisting survivors with application for local, state, and federal government survivor benefits, such as those offered through the:
 1. Public Safety Officers' Benefits Program.
 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
 3. Social Security Administration.

Fresno County Probation Department

Probation Manual

Probation Manual

Line-of-Duty Deaths or Serious Bodily Injury

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.

830.7 PRESS INFORMATION OFFICER

In the event of a line-of-duty death, the Department's Public Information Officer, Chief Probation Officer, or the authorized designee should be the Department's contact point for the media. As such, the Public Information Officer should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that Department members are instructed to direct any media inquiries to the Public Information Officer.
- (c) Prepare necessary press releases.
 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 2. Ensure that important public information is disseminated, such as information on how the public can show support for the department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief Probation Officer or the authorized designee, as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to Department members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the Public Information Officer should request that the media withhold the information from release until proper notification can be made to survivors. The Public Information Officer should ensure that media are notified when survivor notifications have been made.

Fresno County Probation Department

Probation Manual

Probation Manual

Line-of-Duty Deaths or Serious Bodily Injury

830.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters as appropriate.
- Assisting liaisons and coordinators with their assignments as appropriate.
- Assisting Department members with counseling or emotional support, as requested and appropriate.

830.9 INVESTIGATION OF THE INCIDENT

The Chief Probation Officer shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

830.10 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.

830.11 NON-LINE-OF-DUTY DEATH

The Chief Probation Officer may authorize certain support services for the death of a member not occurring in the line of duty.

830.12 ISSUED DATE

- 04/20/2020

Part-Time (Extra Help) & Job -Share Deputy Probation Officers

831.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Fresno County Probation Department part-time (extra-help) deputy probation officers to supplement and assist full-time deputy probation officers in their duties. These deputy probation officers provide professional and special functions and part-time services that can augment regular staffing levels.

This policy also establishes the guidelines for Fresno County Probation Department job-share deputy probation officers.

831.1.1 DEFINITIONS

Definitions related to this policy include:

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

Job-share deputy probation officer - The Chief Probation Officer has the authority and discretion to allow two deputy probation officers with permanent status to share one position/job.

831.2 POLICY

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

Deputy Probation Officers participating in a Job Sharing Agreement must have permanent status and they shall only be authorized to job share upon signing and agreeing to the conditions of the "Job Sharing Agreement" which can be obtained from the Personnel Unit.

831.3 RECRUITMENT AND SELECTION

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.

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

831.3.1 APPOINTMENT

All deputy probation officers, including part-time and job-share officers shall, on the recommendation of the Chief Probation Officer, be sworn in and take the Oath of Office in accordance with the Oath of Office Policy and as required for the position.

Fresno County Probation Department

Probation Manual

Probation Manual

Part-Time (Extra Help) & Job -Share Deputy Probation Officers

831.4 IDENTIFICATION

All deputy probation officers, including part-time and job-share officers will be issued Fresno County Probation Department badges, and identification cards. The badges shall be the same as those worn by full-time deputy probation officers. The identification cards will be the standard Fresno County Probation Department identification cards, with the exception that "Extra-help" will be indicated on the cards for part-time officers.

831.5 AUTHORITY

All deputy probation officers, including part-time and job-share officers shall perform deputy probation officer duties within the scope of their approved training. Part-time and job-share deputy probation officers shall:

- (a) Perform probation functions and have the authority to officially act on behalf of this department.
- (b) Not exercise deputy probation officer duties when off-duty.

831.6 SCHEDULE/EQUIPMENT

Work schedules and Department-issued equipment for part-time and job-share deputy probation officers is provided as follows:

- (a) Part-time and job-share deputy probation officers shall work the schedule assigned by the Chief Probation Officer or the authorized designee.
- (b) Part-time and job-share deputy probation officers are issued all designated attire and safety equipment, as applicable to their positions. All property issued to part-time and job-share deputy probation officers shall be returned to the department upon termination or resignation, or retirement.

831.7 COMPLIANCE

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

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

Part-time and job-share deputy probation officers are required by this department to meet department-approved training requirements.

831.8 FIREARMS

Part-time and job-share deputy probation officers may be required to successfully complete department-authorized training in the use of firearms. Part-time appointments must be approved by the County prior to being issued firearms by this department or otherwise acting as part-time deputy probation officers on behalf of the Fresno County Probation Department.

Fresno County Probation Department

Probation Manual

Probation Manual

Part-Time (Extra Help) & Job -Share Deputy Probation Officers

Part-time and job-share deputy probation officers will be issued duty firearms as specified in the Firearms Policy. Any part-time and job-share deputy probation officer who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Firearms Policy.

Part-time and job-share deputy probation officers are required to maintain proficiency with firearms used in the course of their assignments. Part-time and job-share deputy probation officers shall comply with all training and qualification requirements set forth in the Firearms Policy.

831.8.1 CONCEALED FIREARMS

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

Any part-time or job-share deputy probation officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to department standards. The weapon must be registered by the part-time or job-share deputy probation officer and be inspected and certified as fit for service by the department Rangemaster. The weapon shall comply with all the requirements set forth in the Firearms Policy.

Before being allowed to carry any optional firearm the part-time or job-share deputy probation officer shall demonstrate proficiency with the weapon.

831.9 FIELD TRAINING

All part-time and job-share deputy probation officers shall complete the same department-specified training as full-time officers.

831.10 SUPERVISION

Part-time and job-share deputy probation officers may perform the same duties as full-time deputy probation officers under the supervision of a supervisor.

831.10.1 INVESTIGATIONS AND COMPLAINTS

If a part-time or job-share deputy probation officer 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.

831.11 JOB SHARE ASSIGNMENT

The terms of, and the decision to allow entry into a Job Sharing Agreement shall rest solely with the Chief Probation Officer and/or designated management staff.

Continuation of Job Sharing Agreements shall be entirely at the discretion of the Chief Probation Officer and may be rescinded at any time by the Chief Probation Officer and/or designated management staff.

Fresno County Probation Department

Probation Manual

Probation Manual

Part-Time (Extra Help) & Job -Share Deputy Probation Officers

Deputy Probation Officers may not self-terminate a Job Sharing Agreement, unless a vacant full-time position is available and approved to be filled, and the Chief Probation Officer approves termination of the Job Sharing Agreement.

Termination of one deputy probation officer from a Job Sharing Agreement shall result in the other deputy probation officer participating in the job share also returning to full-time status, subject to the approval of another Job Sharing Agreement in accordance with this policy.

Job assignments at time of entry, during, and upon termination from a Job Sharing Agreement shall rest solely with the Chief Probation Officer and/or designated management staff.

The number of deputy probation officers participating in Job Sharing Agreements at any one time shall be solely at the discretion of the Chief Probation Officer and may be restricted at any time by the Chief and/or designated management staff.

Job Sharing Agreements will be reviewed and evaluated annually.

Benefits, compensation, and seniority status shall be in accordance with the Fresno County Personnel Rules and Salary Resolution.

831.12 ISSUED DATE

- 09/21/2020

Workplace Violence Prevention

832.1 GOAL STATEMENT

To strive for an environment free from threats, intimidation, or actual workplace violence to its members or the citizens served by the Fresno County Probation Department.

832.2 POLICY STATEMENT

- (a) As a part of our commitment, Probation's Executive Council, as well as all members of the Probation Department, are determined to strive for an atmosphere free from actual or threatened workplace violence against any 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 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 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 and/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 member shall have to tolerate workplace violence or the threat of workplace violence on the job. Any 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 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.

Fresno County Probation Department

Probation Manual

Probation Manual

Workplace Violence Prevention

832.3 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.

832.4 COMPLIANCE

- (a) During the Investigation
 - 1. When a complaint of the Workplace Violence Prevention Policy is received, the suspected 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:
 - (a) Type of complaint
 - (b) Threat or actual workplace violence
 - (c) Past behavior of member
 - (d) Potential for reoccurrence
 - 2. The availability of the Employee Assistance Program (EAP) shall be communicated to the member, victim, and accused, if they are employed by the County of Fresno.
 - 3. 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
 - 1. At the conclusion of the investigation the Chief Probation Officer, with assistance from the County Counsel, shall make one of the following findings:
 - (a) **Unfounded:** When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).
 - (b) **Exonerated:** When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.
 - (c) **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.
 - (d) **Not sustained:** When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Fresno County Probation Department

Probation Manual

Probation Manual

Workplace Violence Prevention

- (e) 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 departmental policy (Penal Code § 832.8).
 - (f) If findings are sustained the Department will take appropriate action based on the outcome of the investigation.
2. The victim and the accused will be notified of the outcome of the investigation by the Chief Probation Officer and/or the authorized designee.
 3. Written documentation of the investigation and its conclusion will be prepared and stored in a confidential file within the Probation Personnel Unit office.
 4. The following measures may be implemented:
 - (a) Debriefing
 - (b) Evaluation of the incident and possible risk factors
 - (c) Evaluation of office/building security measures
 - (d) Implement corrective security measures and procedures

832.5 PROCEDURES

832.5.1 RESPONSIBILITIES UNDER THIS 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 members are provided the Workplace Violence Prevention Policy.
 2. Ensure that all managers and supervisors implement the 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 members are immediately made aware of the potential threat and provide a complete description (picture if possible) of the threatening 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.

Fresno County Probation Department

Probation Manual

Probation Manual

Workplace Violence Prevention

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.

832.6 INCIDENT 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 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 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 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.

832.7 ISSUED DATE

- 11/30/2020

Counseling Memo

833.1 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 member in understanding problems and clarifying the direction necessary for successful improvement.

Counseling memos shall not be placed in the member's personnel file. Rather, the counseling memo shall be held in the supervisor's working file until the member's next evaluation. The counseling memo should be addressed in the member's next performance evaluation. Once the evaluation has been completed, the counseling memo shall be destroyed along with any written response from the 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.

833.2 ISSUED DATE

- 05/27/2022

Utility Carts

834.1 POLICY

This policy establishes operational and safety procedures that must be followed by Fresno County Probation Department 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 members with valid a California Driver's License are authorized to operate utility carts at the Juvenile Justice Campus site.

A supervisor may approve the use of the 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.

834.2 MEMBER 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 a supervisor by completing a Fresno County motor vehicle incident report and a Fresno County Probation Department incident report.
- B. Supervisor(s) approving use of utility carts is responsible to:
 1. Ensure that the 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.

834.3 REFERENCES

See Utility Carts Procedure for additional guidance.

834.4 ISSUED DATE

- 08/21/2023

Fresno County Probation
Department Probation Manual
Probation Manual

Attachments

FresnoCountySheriffandProbationOfficerInvolvedShooting.pdf

FresnoCountySheriffandProbationOfficerInvolvedShooting.pdf.url



MEMORANDUM OF UNDERSTANDING
FRESNO COUNTY SHERIFF-CORONER'S OFFICE
FRESNO COUNTY PROBATION DEPARTMENT
OFFICER INVOLVED SHOOTING INVESTIGATIONS



This Memorandum of Understanding ("MOU") is made and entered into by and between the Fresno County Sheriff-Coroner's Office (Sheriff's Office) and the Fresno County Probation Department (Probation Department), whereby the Sheriff's Office, in its sole discretion, will administratively investigate officer involved shooting incidents involving Probation Department personnel as further indicated below.

The terms and conditions of this MOU shall be effective from the date of signatures and will remain in effect until either party terminates the agreement.

The Sheriff's Office Internal Affairs Unit (IA) will conduct administrative (internal) investigations into circumstances surrounding Officer Involved Shootings (OIS's) and firearm discharges, which are described below, by Probation Department personnel.

IA will conduct an administrative investigation of any incident where a firearm is discharged by Probation Department personnel who are engaged in enforcement action at the time of the Officer Involved Shooting or firearms discharge. Dog shootings (where there are no injuries to personnel or civilians) and accidental discharges (where there are no injuries to personnel or civilians and do not take place during enforcement action) will be investigated by Probation Department personnel.

While conducting such investigations, IA personnel will act as an agent of the Probation Department. As an agent of the Probation Department, the IA personnel shall be authorized and empowered by the Chief Probation Officer to give direction to Probation Department employees related to investigative needs and processes. In addition, the Chief Probation Officer shall provide any necessary assistance to effectuate the cooperation of Probation Department employees with IA personnel during the course of such investigations. The purpose of the administrative investigation is to determine if the employee(s) acted in accordance with Probation Department policies and procedures. The administrative investigation is separate but parallel to the criminal investigation that may take place during these incidents.

The Probation Department shall give IA access to Probation Department policies and procedures, and employee personnel, training and discipline files as necessary in the administrative investigation of a shooting incident.

The Sheriff's Office and its employees shall keep the administrative investigation, related information, and all Probation Department records confidential as required by law.

An administrative investigation of an officer involved shooting involving Probation Department personnel may be initiated by immediately notifying the Sheriff's Office Watch Commander (559-600-1650) of the incident. A prompt notification is critical as IA personnel will respond to the scene for employee/witness interviews, observation of evidence, weapon inspection, and other assigned duties relative to the investigation. IA personnel will provide direction to Probation Department personnel to assist the involved employee(s) in obtaining an initial psychological debriefing with professional counselors.

The Probation Department and the Sheriff's Office shall be responsible for bearing their own personnel costs incurred during the investigation and related processes. Responsibility for extraordinary investigative costs shall be negotiated as necessary.

At the conclusion of the administrative investigation, an administrative report will be forwarded to the Chief Probation Officer detailing the circumstances of the incident.

Additionally, a panel known as the Shooting Review Board may convene at the request of the Chief Probation Officer. The investigator from IA will present the facts and circumstances of the incident to the Shooting Review Board. The purpose of the review will be to determine whether or not Probation Department policies, rules and regulations or procedures regarding departmental operations were followed; establish the issues and determine their findings on those issues; advise the Chief Probation Officer on the incident or situation and identify any need to modify any departmental policy or procedure.

Membership of the Shooting Review Board will consist of what is outlined in the Fresno County Probation Department Firearms policy 6.500, Departmental Review of Shooting Incident.

The Shooting Review Board members shall be objective in their judgment of the issues and will neither be currently the subject of discipline, nor involved in the event being reviewed. To obtain an accurate account of the events, the Probation Department member(s) involved in the incident, as well as other Probation Department members who may have information concerning the incident, must be accessible to the Shooting Review Board. When a Probation Department member's presence at the review is mandatory, they will be directed to appear and will be compensated.

Questioning of Probation Department members will be in compliance with California Government Code 3300 et.seq., where applicable, and all other rights and protections as may be afforded by statute and or MOU.


The Chairperson of the Shooting Review Board will complete a "Firearms Discharge Review Summary" form which lists the items reviewed, those who are questioned, and the findings of the Shooting Review Board. The "Firearms Discharge Review Summary" is signed by all Shooting Review Board members and becomes the only record of the Shooting Review Board's action. In the event that the findings are not unanimous, a minority report may be written as directed by the Chairperson. All discussion is

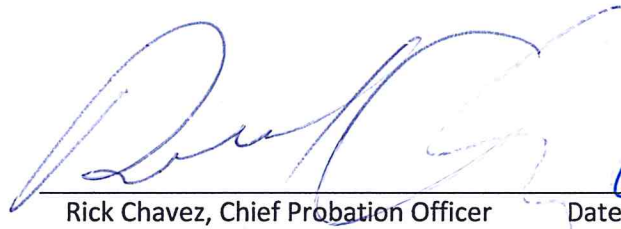
confidential and all personal notes generated during the shooting review board's activities shall be collected and destroyed at the completion of the review.

The final decision on whether a shooting incident is within policy and procedure lies with the Chief Probation Officer. The Shooting Review Board is a recommending body only.

The original IA investigative report will be turned over to the Probation Department and retained according to the Probation Department policy as part of the involved employee's confidential personnel file. The Sheriff's Office shall not retain a copy of the investigative report.

This MOU may be amended upon agreement signed by the parties. This MOU may be terminated by either party upon thirty (30) days advance written notice to the other.


Margaret Mims, Sheriff Date 6/20/17


Rick Chavez, Chief Probation Officer Date 6-21-17

Fresno County Probation
Department Probation Manual
Probation Manual

INDEX / TOPICS