

Fresno County Probation Department
Probation Procedures Manual

PREFACE

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Chapter 2 - Organization and Administration

Electronic Mail Procedures

200.1 ELECTRONIC MAIL PROCEDURES PURPOSES AND USE

The Department/County is providing members access to its electronic mail and assigned email address to be used only for County business purposes. If members have any doubt about whether a contemplated activity is appropriate for County business purposes, members may consult with a supervisor to help decide if a use is appropriate.

PERSONAL RESPONSIBILITY

By members accepting an account password and other information from the County, and accessing email, they are agreeing to follow the County and the Department's rules. Misuse means any violations of this Policy, or any other use that, while not included in this Policy, has the effect of knowingly harming another or another's property.

ETIQUETTE AND PROHIBITED ACTIVITY

All members must abide by rules of network etiquette, which include being respectful, and using the Network and the Internet in a safe and legal manner. The Department/County or authorized County officials will make a good faith judgment as to which materials, files, information, software, communications, and other content and activity are permitted and prohibited, based on the following guidelines, and under the particular circumstances. Unless a member is specifically authorized due to the member's work assignment, the following are among uses that are considered unacceptable and constitute a violation of this Policy:

- (a) Making offensive or harassing statements, or harming another's reputation, or jokes about language, race, color, religion, national origin, veteran status, ancestry, disability, age, sex, or sexual orientation.
- (b) Sending or soliciting sexually oriented messages or images.
- (c) Uses or activities that violate the law or County policy or encourage others to violate the law or County policy. This includes, for example:
 - Offering for sale or use any substance the possession or use of which is prohibited by law.
 - Without proper authorization, accessing, transmitting, or seeking confidential information about persons or co-workers.
 - Sell or buy anything over the Internet.
 - Conducting unauthorized business.
 - Viewing, transmitting, downloading, or seeking obscene or pornographic materials or materials that violate or encourage others to violate the law.
 - Gambling or engaging in any other activity in violation of local, state, or federal law.

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- Intruding, or trying to intrude, into the folders, files, work, networks, or computers of others, or intercepting communications intended for others.
 - Using another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating or otherwise using the other's access to the Network or the Internet.
 - Knowingly downloading or transmitting confidential information.
 - Downloading or transmitting copyrighted materials without permission from the owner of the copyright in those materials. Even if materials on the Network or the Internet are not marked with the copyright symbol, ©, you should assume that they are protected under copyright laws unless there is explicit permission on the materials to use them.
 - Soliciting or advertising the sale of any goods or services (whether to one recipient or many, such as "junk email").
 - Giving others private information about yourself or others, including credit card numbers and social security numbers.
 - Using County information technology for unauthorized outside fund-raising activities, participating in any lobbying activity, or engaging in any prohibited partisan political activity.
 - Using County information technology to post County, Department and/or other public agency information to external news agencies, services bureaus, bulletin boards or other forums, except if authorized prior by management.
- (d) Operating a business, or soliciting money for personal gain.
- (e) Uses that waste limited resources. For example:
- Do not waste toner or paper in printers, and do not send chain letters, even for noncommercial or apparently "harmless" purposes, as these, like email with large graphic attachments and "junk email," use up limited Network capacity resources.
 - Only copy others on an email who should be "in the loop" on that email.
 - Be careful with distribution lists, determining first whether it is appropriate for everyone on that list to receive the email.
 - "County-wide" emails are only to be sent after receiving prior authorization.
- (f) Suggesting to other members that they view, download, or seek materials, files, information, software, or other content that may be offensive, defamatory, infringing, or illegal.
- (g) Email signatures:
- Email signatures should include the member's name, job title, department, mailing address, telephone and fax numbers, and web site address. This should be in plain text format to easily accommodate all types of users. Should a member wish to include the Probation department's star in the email signature, contact Probation Automation Assistance. An email signature should not include

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very large or complicated fonts, images, clip art or personal quotes. Members shall also refrain from using background images or stationary in their email correspondence.

CONFIDENTIAL INFORMATION

Members may have access to confidential information of the County, its employees, and clients of the County. Email makes it very easy to send and receive information and attachments. It is also easy to send confidential email to more than those intended. If a member has a business need to communicate confidential information within the County, with permission of management, a member may do so by email, but only sending the email to those who have a need to know the information, and marking it "CONFIDENTIAL." County management may from time to time issue guidelines to those whose responsibilities include the internal email communication of confidential information. Again, when in doubt, do not send it by email. Memoranda and reports on paper, telephone calls, and face-to-face meetings should be used in some contexts, such as with respect to personnel matters.

See Policy Manual on Electronic Mail for further information.

200.2 ISSUED DATE

- 10/07/2020

Chapter 3 - General Operations

Firearms Procedures

300.1 FIREARMS PROCEDURES

PROCEDURE FOR AUTHORIZATION TO CARRY FIREARMS

Permission to carry a firearm will be granted only where one of the following exists:

- (a) The officer is assigned to Armed Duty Assignment or Voluntarily Armed Assignment, as designated by the Chief Probation Officer or the authorized designee.
 - 1. The authorization to carry a firearm on-duty will contain all information required to complete the Arming Approval Form. The signed Arming Approval Form shall be retained by the department's Training Assistant Deputy Chief.
- (b) There has been a documented, serious job-related threat against the life of an officer, and sufficient cause exists to believe that the individual making the threat has both the means and ability to carry it out, and no alternative methods of providing the officer protection while on-duty are effective. That officer will be trained by a Rangemaster prior to being issued a weapon or being allowed to carry a personally owned weapon while on duty.

REVOCACTION OF AUTHORIZATION TO CARRY FIREARMS ON-DUTY

- (a) The Chief Probation Officer may, at any time, for any reason and without cause, revoke the authority of any officer to carry a firearm on-duty. The officer shall immediately be informed of the revocation and, if necessary, transferred to an Unarmed Duty Assignment. A copy of the written revocation shall be delivered to the officer within five (5) working days.
- (b) The Chief Probation Officer or the authorized designee may order any subordinate authorized to carry a firearm to cease carrying a firearm for good cause.
- (c) If a revocation of authority to carry a firearm has been made, the person ordering the revocation shall submit a written report, within two (2) working days, to the Chief Probation Officer, indicating the circumstances that led to the revocation. A copy of the report shall be made available or mailed to the officer within five (5) working days following submission of the report. A copy of the report will be provided to the appropriate Division Deputy Chief and the Division Deputy Chief responsible for oversight of the Rangemaster.
- (d) A written request for a review of any revocation decision may be made by the officer to the Chief Probation Officer, clearly stating the reason the authorization should be reinstated or specific objections to the decision. The Chief Probation Officer shall then make a determination regarding the appeal.

STOLEN OR LOST FIREARMS

- (a) An officer shall file a report with the appropriate law enforcement agency immediately upon discovery that his/her firearm is missing.
- (b) An officer shall also immediately report a lost or stolen firearm to his/her supervisor, who will notify the Chief Probation Officer via the chain of command.

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- (c) The officer will file an incident report with his/her supervisor by the end of the next business day. The incident report shall be submitted to the Chief Probation Officer through the chain of command.
- (d) Arrangements may be made for the temporary or permanent issuance of another firearm if the Chief Probation Officer or the authorized designee authorizes such issuance. The officer shall qualify with the newly issued firearm before authorization to carry the firearm on-duty shall be effective.

REQUIRED TRAINING AND QUALIFICATIONS

- (a) The following training and qualifications must be satisfactorily completed prior to approval being granted for an officer to carry a firearm. Additionally, ongoing training will be required to maintain an officer's arming status (set forth in #3) :
 - 1. The successful completion of training pursuant to Section 832 of the Penal Code (40 hours- Laws of Arrest)
 - 2. The satisfactory completion of training pursuant to Section 832 of the Penal Code (24 hours- Firearms)
 - 3. The successful completion of the following training:
 - (a) Cardiopulmonary resuscitation and first aid certification (Initial and must maintain updated certification)
 - (b) Designated self-defense training (Initial and must complete annually)
 - (c) Chemical agents certification (Initial and as needed)
 - (d) Baton certification (Initial and must complete annually)
 - (e) Field tactics (Initial and must complete annually)
 - (f) Arming Policy review (Initial and as needed)
 - (g) The Chief Probation Officer or the authorized designee reserves the right to waive a requirement that is not required by law.
 - 4. The skills, knowledge, and required certifications shall be maintained by each armed officer through reoccurring training and/or competency testing.
 - 5. Any officer who fails arming qualification in three official attempts shall have his/her authorization to carry a firearm suspended. This suspension will remain in effect until the officer receives additional training and qualifies. Continued failure to qualify will result in revocation of the authorization to carry a firearm on-duty.
 - 6. Any officer who requires reissuance of a firearm shall be subject to review by the Lead Rangemaster and Training Assistant Deputy Chief and required to complete necessary training. An officer may, with the supervisor's approval, be authorized additional on-duty hours for practice to improve proficiency in the use of the on-duty firearm. The Department will provide ammunition and this training will be supervised by a Range Master. Any on-duty or off-duty practice with the on-duty firearm must be conducted at an authorized firing range. Officers who wish to practice off-duty may do so if they purchase the ammunition, as long as the ammunition meets departmental standards. While engaged in off-duty

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practice, no one other than the officer shall transport, carry, conceal, or utilize the firearm at any time.

REQUIREMENTS FOR CARRYING, DISPLAY, AND USE OF FIREARM

- (a) Any officer authorized to carry a firearm on-duty shall have in his/her possession whenever carrying a firearm his/her Department issued badge and Department identification card. The badge should be displayed unless the officer's assignment requires that the firearm and badge be concealed from public view. While on duty, unless assigned to training, an officer in an Armed Duty Assignment will carry his/her duty weapon. When involved in a situation where an officer could reasonably be expected to take enforcement action, the officer will carry at a minimum two additional fully loaded magazines (other than the one in the magazine-well of the weapon), OC, baton, handcuffs, handcuff key and any other safety equipment.
- (b) When working in an environment in which the expectation to take law enforcement action is minimized, the officer has the option of wearing Modified Duty Wear. The definition of Modified Duty Wear is carrying of the weapon, two fully loaded magazines (one in the well of the weapon), handcuffs, a handcuff key, and OC. The Department will provide holsters for the weapon, handcuffs, magazine, and OC to facilitate the Modified Duty Wear method of carry.
- (c) This policy to carry the equipment described in this section on a daily basis can be waived for Assistant Deputy Chiefs by that individual's direct supervisor.
- (d) The firearm will have a bullet in the chamber when carried on duty.

REPORTING OF THE UNHOLSTERING, DRAWING, OR DISPLAYING OF A FIREARM

The Department may require the completion of a written report.

RELINQUISHMENT OF FIREARMS

When a firearm is relinquished, the officer's Assistant Deputy Chief will coordinate with a Rangemaster to facilitate temporary or permanent storage.

SHOTGUN

SAFE HANDLING AND STORAGE GUIDELINES FOR THE SHOTGUN

- (a) Treat all weapons as if they are always loaded.
- (b) Never let the barrel cover anything you are not willing to see destroyed.
- (c) Keep your finger off the trigger until your sights are on your target.
- (d) Always be sure of your target.
- (e) The shotgun(s) shall be stored in the designated weapons safe.
- (f) Officers who are authorized to use the department-issued shotgun while on duty shall be responsible to observe and practice the following safety procedures:
 - 1. Inspect the loading/unloading tube, if applicable, for serviceability and defects.
 - 2. Inspect the duty shotgun for broken parts, serviceability, and rust.
 - 3. Inspect the weapon sling for serviceability, if applicable.

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4. Inspect the shotgun rounds for serviceability and defects.
 5. If any defects or serviceability problems are found, these will be immediately reported to the Rangemaster or designee. If any part of the weapon is defective, the weapon will not be used for duty purpose.
- (g) The shotgun(s) shall be placed in the department's armory safe, with the safety engaged (on safe), clear of any rounds, and with the chamber open.

LOADING/UNLOADING GUIDELINES FOR THE DUTY SHOTGUN

- (a) When an officer is deploying the duty shotgun, they will abide by the following inspection procedures:
1. Use a loading/unloading tube, if available, or in accordance with department policy and training.
 2. Inspect the shotgun for broken parts, serviceability, and rust.
 3. Inspect the weapon sling for serviceability, if applicable.
 4. Inspect the shotgun rounds for serviceability and defects.
- (b) After the inspection is complete, the officer will abide by the following loading procedures:
1. While loading or unloading the shotgun, the officer will use the loading/unloading tube, if available, in accordance with department policy and training. The shotgun will be loaded and unloaded in accordance with department policy and current range training practices.
 2. Point the shotgun in a safe direction.
 3. Engage the weapon's safety mechanism.
 4. Pull the receiver bolt to the rear to ensure the ejection port is clear of any rounds and or debris.
 5. Five rounds of department-issued buckshot will be loaded into the shotgun magazine tube.
 6. A round will not be chambered at this time.
- (c) To unload a shotgun, officers will abide by the following procedures:
1. If applicable, the officer at the end of his/her shift will unload the shotgun utilizing the loading/unloading tube, if available, in accordance with department policy and training. The safety shall be engaged while unloading.
 2. Inspect the magazine tube to insure no other rounds are in the magazine tube. Pull the stock-receiver bolt to the rear to ensure there are no rounds in the chamber.
 3. The weapon will then be stored in accordance this policy.

AMMUNITION

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- (a) All officers will be issued and have readily available department-issued buckshot and slug ammunition.
- (b) The utilization of slug ammunition requires situational and environmental awareness. Slug ammunition shall only be loaded when tactically necessary to address a specific situation. Examples that may require the utilization of slug ammunition include, but are not limited:
 - 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 other ammunition would be insufficient to penetrate an object that is providing cover to a person that is a lethal threat.
 - When authorized or requested by a supervisor.

STORAGE

- (a) Officers will be responsible to ensure his/her shotgun is correctly loaded and carried to the identified vehicle in a safe manner. Officers shall ensure that the shotgun is not pointed at anyone while carrying the shotgun to the vehicle.
- (b) When stored in the vehicle, the standard carrying position for the shotgun will be with the safety mechanism on; the shotgun will then be secured in the vehicle locking rack in accordance with department policy.
 - 1. When riding with a support agency, the shotgun shall be secured in the trunk of the vehicle with the safety on, the chamber empty, bolt forward.
 - 2. If a locking mechanism is not available, the shotgun shall be in the trunk or cargo (SUV) area of the vehicle. When possible, the vehicle should not be left unattended with an unsecured shotgun in the vehicle.
- (c) The shotgun will remain in the vehicle until the officer completes his/her shift. The officer will then store the shotgun at a department armory or inside a department-issued home safe. Officers may leave the shotgun inside assigned vehicles overnight when the shotgun is secured in a locking rack and the locked vehicle is secured inside the officer's locked garage.
- (d) Unless otherwise authorized by this policy, shotguns shall not be stored in vehicles overnight.
- (e) Officers may store a shotgun inside a department safe or armory as approved by the Chief or the authorized designee.
- (f) All shotguns shall be safely secured prior to storage.

STORAGE SAFETY

- (a) Whenever stored in a safe, the officer is responsible for storing a safe weapon by ensuring:
 - 1. There are no rounds in the chamber

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2. The shotgun's safety mechanism is engaged
 - (b) The officer will then store the shotgun in a department-approved safe at an approved armory or residence.

See Policy Manual on Firearms for further information.

300.2 ISSUED DATE

- 03/09/2020

300.2.1 REVISED DATE(S)

- 09/16/2021

Handcuffing and Restraints Procedures

301.1 HANDCUFFING AND RESTRAINTS PROCEDURES

Officers should carry their handcuffs and handcuff key in accordance with the Firearms Procedure. Officers in unarmed assignments shall carry handcuffs and a handcuff key or have immediate access to them while on duty.

While equipped under the Modified-Duty Wear provisions of the Firearms Procedure, officers will carry at least one pair of departmental issued handcuffs and a handcuff key on their person. While wearing field gear, the officer will carry two pairs of handcuffs in a department-issued case or pouch. All personally purchased handcuffs must be approved by the Chief Probation Officer or the authorized designee prior to use.

PROCESS FOR REMOVING PLASTIC CUFFS

Plastic cuffs shall be removed using plastic cuff cutters; however, in an emergency only, plastic cuffs may be removed with other cutting instruments. When using other cutting instruments, care shall be given to removal of the plastic cuffs to ensure injury does not occur to the person during the removal process. Straight knives with a point and cutting edge shall not be used in any circumstances to remove plastic cuffs.

DOCUMENTATION

Whenever handcuffs or restraints are not applied on an arrestee, the reason(s) why shall be documented in the Probation case management system or as directed by a supervisor.

Whenever handcuffs or restraints are applied to a person, it shall be documented in the Probation case management system or as directed by a supervisor. When a restrained person is in a prone position or on the ground, the officer with direct supervision should, as soon as practicable, place the person in the recovery or seated position and continually assess them.

See Policy Manual on Handcuffing and Restraints for further information.

301.2 ISSUED DATE

- 03/09/2020

Control Devices Procedures

302.1 CONTROL DEVICES PROCEDURES USE OF CONTROL DEVICES

Chemical agents should not be dispensed within a moving vehicle. The only exception to the above is when the behavior exhibited is of such a nature that even momentary delay would result in further or life-threatening injury to a person.

Weather and environmental conditions should be considered prior to the use of chemical agents.

Each member issued a chemical agent canister is responsible to ensure that it is functional for on-duty purposes. If it is not functional, they will speak with a designated Range Master or supervisor for a replacement. The canister should be replaced in accordance with the manufacturer's specifications.

Following initial training/certification to carry chemical agents, members may be subject to additional training as determined by the Training Assistant Deputy Chief.

Members trained in the use of chemical agents shall carry it on their person or have it readily accessible at all times when they are on duty. The only exception is if the member is attending training where safety equipment is not necessary. Chemical agents shall be carried in the departmental issued case or pouch in accordance with the Firearms Procedure.

Members performing community supervision/surveillance/searches shall have in their vehicle a minimum of one empty one-quart bottle to utilize for decontamination. In the absence of available water, the contaminated person should be placed in front of a fan or a vehicle air conditioning vent.

STORAGE AND TEMPERATURE EFFECT ON CHEMICAL AGENTS CANISTERS

Members who are issued chemical agents must maintain the product in a locked area when the product is not being personally carried. It is the member's sole responsibility to ensure that the chemical agent is secure when not being personally carried and that the product cannot come into the possession of untrained/unauthorized persons. When the chemical agent is taken to the member's residence it shall be kept in a secure and safe place where it is inaccessible to other persons. If the storage location temperature exceeds 120 degrees, the seal on the canister will rupture, causing the canister to be useless.

AUTHORIZATION TO POSSESS AND USE MONADNOCK EXPANDABLE BATON

The Monadnock Expandable Baton shall be the only defensive baton authorized for use by officers.

- (a) To carry and/or use the Monadnock Expandable Baton, officers shall:
 1. Be assigned to a Designated Armed Duty Assignment or a Voluntary Armed Duty Assignment.

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- (b) Under no circumstances are officers to bring a Monadnock Expandable Baton into the secure perimeter of any institution or any other Correctional Facility unless authorized by the institution or facility.
- (c) Officers may choose alternate department-issued batons and accessories through a written request to the Training Assistant Deputy Chief or the authorized designee.
 - 1. The following accessories/ equipment will be available to members upon approval of the Training Assistant Deputy Chief or the authorized designee:
 - (a) Hindi Cap
 - (b) A baton of shorter length
- (d) A Monadnock Expandable Baton shall be issued to each armed officer as part of provided duty gear. It will be the responsibility of each officer to maintain, secure and account for the baton.
- (e) Armed officers shall carry their baton when they are wearing their firearm, except when in the office wearing modified duty equipment. The wearing of the baton is applicable to officers in voluntary armed duty assignments only when performing armed officer duties.
- (f) Following initial training/certification, officers shall be recertified on annual basis.
- (g) Only the Chief Probation Officer or the authorized designee shall make exceptions to this procedure.

STORAGE/MAINTENANCE GUIDELINES FOR THE MONADNOCK EXPANDABLE BATON

- (a) When not worn, the Monadnock Expandable Baton will be stored in a locked area.
- (b) When the Monadnock Expandable Baton is taken to the officer's residence, it shall be kept in a secure and safe place where it is inaccessible to other persons.
- (c) Cleaning of the Monadnock Expandable Baton shall be in accordance with the published factory guidelines for cleaning and maintenance.

WEAR GUIDELINES FOR THE MONADNOCK EXPANDABLE BATON

- (a) The Monadnock Expandable Baton will be worn on the non-firing side in a department-issued or approved baton holster.
- (b) Exceptions to these wear guidelines may only be granted by the Chief Probation Officer or the authorized designee.

See Policy Manual on Control Devices for further information.

302.2 ISSUED DATE

- 03/09/2020

Search and Seizure Procedures

303.1 SEARCH AND SEIZURE PROCEDURES TEMPORARY DETENTION AS RELATED TO SEARCHES

Temporary Detention is an exertion of authority that is something less than an arrest, but more substantial than a simple contact or consensual encounter. A detention occurs whenever a reasonable person believes that they may not leave on their own free will. It may be used only where a person clearly presents a specific and articulable threat to the safety of an officer or others, is a flight risk, or to facilitate the orderly completion of a legal search or investigation. Persons who are detained for this purpose must be advised that they are not under arrest but are being temporarily detained. Such persons may be detained for no longer than the period of time required, and in a manner necessary to make a determination of identity and connection to the premises, and to protect the safety of all present during the detention.

SEARCH PROCEDURE

The procedure for conducting probation searches generally involves the following:

1. determining which places and things may be searched, by review of statute, court order, or terms and conditions of supervision;
2. If a residence will be searched, taking steps to confirm that the residence is that of the person under the Department's supervision, and complying with the knock-notice rules before making entry; and
3. Conducting a search that is reasonable and within scope/authority.

PERSONAL BODY SEARCHES

All persons may be subject to a search of their person by order of the Court or term of supervision as a condition of their supervision or by statute. Personal searches may be conducted to determine the person's compliance with Court orders or terms of supervision, and to ensure officer safety or control of a situation. Only clothed body searches shall be conducted in the field by officers.

Officers shall follow approved departmental training regarding searches incident to arrest and cursory searches. Searches must be conducted in a thorough, systematic and professional manner.

Arresting officers shall remove personal belongings from the possession of the person. While in the officer's possession, the personal belongings should remain within the person's field of vision. Personal belongings removed shall remain in the custody of the arresting or transporting officer until thoroughly searched at the time of booking. Refer to Property Policy for further information.

RESIDENTIAL SEARCHES

Before entering a residence to conduct a probation search, officers must reasonably believe the person under supervision actually lives there. Although absolute certainty is not required, officers must possess specific information that reasonably indicates that the residence belongs to the supervised person. Such information may be provided by neighbors, reliable informants, recent booking forms, government records (e.g., Court records, probation records, DMV, and

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Postmaster), hotel registration, utility and phone records, employers, surveillance of the premises, and phone calls by undercover officers to the residence, or other credible sources.

If a denial is made, further inquiries may be required, depending on the strength of the evidence that the person actually lives there.

KNOCK-NOTICE

Knock-Notice

Officers who conduct a probation search of a residence must comply fully or substantially with the knock-notice requirements unless compliance is excused for good cause.

Full compliance:

- (a) Knock on the door or take other action to get the attention of someone inside;
- (b) Announce their authority: "Fresno Probation" "Police"
- (c) Announce their purpose: "Probation search... open the door"
- (d) Wait until they have been granted or refused entry (expressed or implied).

Under certain circumstances, substantial compliance with some of the knock-notice requirements may be sufficient to enter. For example, if the officer(s) have reasonable belief that at least one of the occupants is aware of their presence, identity, and purpose.

Officers may enter without complying with any of the knock-notice requirements if they are aware of specific facts prior to the search which reasonably indicate compliance would:

- (a) Result in the destruction of evidence
- (b) Interfere with the arrest, or
- (c) Significantly increase the level of danger to the search team or others.

A refusal by occupants to allow entry for exterior/interior doors does not necessarily allow for forcible entry unless, in the officer's judgment, there is a clear and present danger to the life of another officer(s), or person(s), or a felony in progress, or exigent circumstances. The lead officer, in that officer's best judgment, may call a department supervisor or law enforcement for backup in forced-entry scenarios if that is determined to be the most prudent course of action. The officer(s) should consider the following: Seriousness of the incident, nature of violation, nature of the offense, potential jeopardy to self, partners, others, including the person, non-force/verbal tactics or force techniques available to the officer(s), tools available/unavailable to the officer(s), the level of resistance being used against the officer, level of training and experience of the officers, and whether the person is attempting to escape.

PROTECTIVE SWEEPS

A protective sweep is a quick, limited premises search for people who pose a threat to officers who are lawfully inside a residence or other place. The purpose of a protective sweep is to ensure the safety and security of officers. A protective sweep without a warrant is only permissible if the

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searching officer possesses a reasonable belief, based on specific and articulable facts which, when taken together with the rational inferences from those facts, reasonably warrant the officer in believing that the area swept harbored a person posing a danger to the officer and others.

A protective sweep must be limited to a cursory inspection of places where a person may hide, and must last no longer than is necessary to dispel the reasonable suspicion of danger. Even if officers may lawfully sweep a certain room, they may only inspect those places and things in which a person might be hiding.

There are two types of protective sweeps:

- (a) Vicinity sweeps, and
- (b) Full sweeps.

A vicinity sweep is an inspection of "spaces immediately adjoining the place of arrest" in which a person might be hiding. In most cases, the spaces "immediately adjoining" the place of arrest will be limited to spaces in the room in which the arrest occurred, although it may extend to other rooms, depending on their proximity to the place of arrest and whether the rooms are separated by a closed door.

A full protective sweep of a home or other structure is an inspection of every space on the premises in which a person might be hiding. Because a full sweep constitutes a much greater intrusion on the occupants' privacy than a vicinity sweep, full sweeps are allowed only if officers are aware of articulable facts that reasonably indicate:

- (a) That there is a person on the premises other than the arrestee, and
- (b) That person may pose a threat to the officers. Full sweeps cannot be conducted on grounds that officers have no information that a threat does not exist, and therefore, the existence of a threat cannot be ruled out.

PROTECTIVE SWEEPS OF PERSONS UNDER SUPERVISION

A 4th Amendment waiver applies as a condition of probation or supervision when ordered by the Court, or by statute. When such a waiver exists, officers may only search any area/property under the control of the person under supervision. Officers must have reasonable belief that a 4th amendment waiver applies (probation search), prior to conducting a protective sweep of any area, or structure, or portion thereof. Officers shall be cognizant that a dwelling may contain multiple residents with expectations of privacy (e.g., roommates, renters, tenants).

Prior to conducting a probation search for contraband, a protective sweep shall be conducted on any area. Officers should not conduct probation searches for contraband unless the area to be lawfully searched has been cleared for people.

WHAT PROPERTY MAY BE SEARCHED

Officers may search rooms that they reasonably believe are:

- (a) Controlled solely by the person or
- (b) Controlled jointly by the person and another person, such as a spouse or roommate, or

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- (c) All common living areas. Before commencing the search, all occupants of the residence should be placed in one central, secured location.

Personal property may be searched when there is reasonable suspicion to believe it is owned or controlled solely by the person or jointly with another person. Such a reasonable suspicion may be based on direct evidence or reasonable inference. Direct evidence that an item belongs to a person might include: if the person's name is marked on the item, if the person acknowledges he owns the item, or if a joint occupant states the item belongs to the person.

As noted, officers may also rely on reasonable inference in determining whether an item of personal property is owned or controlled by a person. For example, unless there is reason to believe otherwise, officers may usually infer that a person has control over all containers and other property in the person's bedroom and the common areas.

SEARCH OPERATIONS

Search operations are defined as any time officers engage in activities where they enter a home to search for compliance or arrest.

Officer safety will be the primary focus in the planning of all search operations. If a high degree of danger exists, in the judgment of the case officer and Assistant Deputy Chief or authorized the designee, other options must be considered.

The case officer will prepare an Operation Outline and submit it to the designated team leader or supervisor. A pre-operation briefing will be conducted with all officers who will participate in the search. This briefing will make certain that all officers are aware of their duties and that each person is aware of the potential hazards or risks associated with the operation.

Officers shall follow approved departmental training regarding search/arrest operations. The team leader will designate specific assignments for staff for each search.

See Policy Manual on Search and Seizure for further information.

303.2 ISSUED DATE

- 03/09/2020

Canine Procedures

304.1 CANINE PROCEDURES CANINE INFORMATION

There are unique circumstances and requirements surrounding the utilization and care of the canine. The canine handler must be familiar with the canine's capabilities and personality.

Sudden physical movements towards the canine handler can provoke the canine into a protective/aggressive instinctual response, and therefore should be avoided. The ultimate authority to terminate the utilization of the canine in the sniff procedure shall be dictated by the canine handler.

CANINE DEPLOYMENTS AND REPORTING

The residence or area to be sniffed must be secured prior to the entry of the canine team. The canine handler and assisting officers should check for any potential hazards for the canine prior to initiating the canine sniff. If there is an expectation that any other animals may be in the immediate area that is to be sniffed, this should be mentioned to the canine handler, as it can present a major distraction and/or safety issue for the canine and the handler. The scent of humans may distract the canine from the narcotics; therefore, it is strongly recommended that staff not search the area for contraband prior to the canine sniff.

- (a) Any specific areas where the canine alerts to narcotic odor will be pointed out by the canine handler to the requesting party. The involvement of the canine team involved in the sniff will be completed upon this notification.
- (b) It will be the requesting probation staff member's responsibility to search, record, and take control of any contraband that is seized.
- (c) The requesting probation staff member will also be responsible for making any follow-up casework decisions in search matters, regardless of whether or not contraband is found. Staff may request assistance from the canine handler for on-going narcotics investigations.
- (d) Should narcotics be located, the canine handler will provide a supplemental report and/or chronological notation to the member that requested assistance when necessary.
- (e) The canine handler will complete and submit a written report and/or chronological notation in the event that there is property damage or injury to a person directly related to the canine.

KENNELING IN AND OUT OF THE HOME

The canine shall be kept at the home of the handler in an approved kennel. The kennel shall be kept clean, sanitary and in a safe condition at all times. The canine shall be kept under the control of the handler while off duty.

- (a) The handler shall not be involved in any off-duty activities with the canine which may discredit the Probation Department.

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- (b) The handler and the handler's family must realize the canine placed in their care is a 24-hour, seven days per week responsibility. The canine must be an integrated part of family life. The canine shall not be left unattended with children.
- (c) Generally, the canine should be kenneled while not in the presence of the handler, and not be allowed to roam at will. An exception may be made at the discretion of the handler under certain circumstances.
- (d) If the handler is going to be away from the home, and the canine is going to remain at the home, the handler may designate an appropriate individual to provide routine care for the canine. The supervisor must approve the caretaker and the care that will be provided while the handler is away. The caretaker will be provided with the appropriate telephone numbers to reach the handler and supervisor if necessary.

Out-of-home kenneling

- (a) Time allowed for kenneling the canine will match the amount of vacation, compensation, or furlough time the handler has allotted according to personnel records as approved by a supervisor.
- (b) Priority should be given to keeping the canine at home whenever possible, as long as appropriate care can be provided to the canine while the handler is away.
- (c) With the approval of the Canine Team supervisor, an out of home kennel may be used, up to a reasonable fee.

INJURED CANINE

- (a) Duties of handler if canine is injured or ill:
 - 1. In the event that the canine is unfit for duty due to illness or injury, the handler will maintain care for the canine.
 - 2. The handler shall advise the supervisor of the canine's condition and problems on an ongoing basis.
 - 3. The handler may perform other duties as assigned by the supervisor while the canine is unfit for duty, if deemed necessary.
 - 4. In the event that both the canine and the handler are injured, the assisting officers/individuals shall request emergency medical personal and veterinarian assistance as soon as possible.
 - 5. Non-handlers should only command the canine in emergency situations when no handler is present, and only if proper commands are known, or immediate action is necessary.
 - 6. The Probation Department shall be responsible for any costs associated with the welfare and care of the canine.
 - 7. The Department will request the prosecution of any person who intentionally assaults or injures a canine, pursuant to Penal Code § 600, and restitution will be requested pursuant to Penal Code § 600(e).

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INJURED HANDLER

The following course of action shall be considered by all members in the event that the handler is injured and unable to command the handler's canine. If the handler is downed, the handler's canine in all probability will stand guard and prevent anyone from approaching the handler.

- (a) Do not rush in on the handler or canine.
- (b) The canine and handler train, work and live together. The canine's attitude may change if the handler is hurt or in danger.
- (c) Call to the handler. If the handler can, the handler will call the canine off.
- (d) If the handler does not respond, position the canine vehicle near the canine with all windows up and with an access door open. Using an authoritative voice, call the canine by name and command the canine to "box" or "kennel up." Secure the canine in the vehicle.
- (e) If the canine appears agitated or aggressive, the assisting member(s) should contact another handler if possible, or request assistance from another law enforcement agency.

See Policy Manual on Canines for further information.

304.2 ISSUED DATE

- 04/20/2020

Mandatory Reporting Procedures

305.1 MANDATORY REPORTING PROCEDURES GENERAL STATEMENT

During the course of their duties, officers may have to take temporary custody of a minor(s) based on situations that occur in the field, office, or the Juvenile Institutions. Minor refers to anyone under the age of 18.

DEPARTMENT OF SOCIAL SERVICES (DSS)

DSS provides assistance for law enforcement in situations where minors need protection. Social workers are available on a 24-hour basis to provide: assistance in evaluating the minor(s) home situation, any prior DSS history with either parent(s) or guardian, and the need for the minor(s) removal. Additionally, social workers will provide assistance with any issue regarding Indian Child Welfare Act (I.C.W.A.), or conflicts with Family or Juvenile Court orders. Whenever possible, communications with DSS shall be made directly between the Officer and the social worker either in person or by telephone. When a social worker is dispatched to the scene, the officer shall provide the following information:

- (a) The name(s) and birth date(s) of the parent(s)/guardian(s) and the minor(s) who is/are to be placed.
- (b) The reason for the placement.
- (c) Officer's name.
- (d) Any additional information requested by the social worker.
- (e) Fresno County Probation Department Incident Report number if a WIC 300 hold is placed.

PROBATION RESPONSIBILITY

- (a) During a field or office contact, if an officer believes that a minor(s) is a victim of physical or sexual abuse, they shall call the local jurisdictional law enforcement agency for criminal investigation. During a field or office contact, if the officer believes there is possible child abuse (endangerment or neglect), the officer shall call the jurisdictional law enforcement agency or DSS for assistance. If law enforcement reports to the scene and determines no crime has occurred, the officer will work with the social worker to determine if it is appropriate to leave the minor(s) at the residence or take temporary custody (placing a WIC 300 hold).
- (b) When a parent/guardian with legal custody is arrested by an officer, the parent/guardian may make an alternative safe plan of care to place their child/children with a willing relative or friend, unless doing so would cause the child to fall within one or more of the descriptions in WIC 300.

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Mandatory Reporting Procedures

1. The officer shall assess the appropriateness of the parent/guardian alternative safe plan of care. Each situation is unique and will be evaluated on a case-by-case basis. If an alternative plan is being considered, the officer shall check all residents living in the home by doing the following:
 - Check the department's case management system for probation status and performance.
 - Check with dispatch for warrants, parole status, valid CDL (if applicable).
 - Call State Parole if applicable and if they are available.
 - Check District Attorney case management system.
 - The officer shall contact DSS to see if any alternative safe plan of care meets DSS guidelines for the minor(s) to be placed with a willing relative or friend. When DSS is requested to respond to the scene, a referral is generated within their system. A joint response investigation between the officer and the social worker in placing the child/children in an alternative safe plan of care is required.
- (c) If the plan is deemed inappropriate or there is no other appropriate relative or friend to care for the minor(s), the officer shall place a WIC 300 hold.
- (d) Once the officer has made the determination based on the conditions that exist in the field, office, or institutional setting to take a minor(s) into temporary custody, in accordance with WIC 300, the officer shall notify DSS directly by telephone, requesting that DSS staff report to the scene. The determination of where the minor(s) will be placed rests solely with DSS.
- (e) In all cases where a minor is placed under WIC 305, the officer and DSS staff shall investigate to determine whether siblings of the minor are also at risk and subject to temporary custody.
- (f) Once the social worker has reported to the scene, the officer will provide the social worker with an incident report case number for their records. If applicable, the officer will take any necessary photos. Officers shall remain with the social worker for their safety until the social worker has left the scene.
- (g) If a WIC 300 hold is placed, and temporary custody has transitioned to DSS, any inquiries regarding the minor(s) shall be referred to DSS.
- (h) At any time during the process, the officer may contact a Supervisor/ADC or Lead Officer for consultation and advice regarding the incident. When there is a disagreement between the officer and the social worker concerning the need for a minor(s) removal, the officer shall call their Supervisor/ADC.
- (i) Since Fresno County is not a dual-status county, WIC 300 holds cannot be placed on a ward of the Delinquency Court pursuant to WIC 602. The officer shall consult a supervisor for direction and if necessary a WIC 241.1 staffing may be appropriate.

REPORTING REQUIREMENTS

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Mandatory Reporting Procedures

Any time an officer places a WIC 300 hold on a minor(s), a report shall be completed no later than the end of the next business day. If a minor(s) is placed with another person (i.e. alternative safe plan of care), the officer shall prepare an incident report or provide other documentation within three business days.

The report shall contain the following information:

- (a) Name of parent(s)/guardian(s), DOB, age, height, weight, address, color of hair and eyes.
- (b) Name of minor(s), DOB, age, height, weight, address, color of hair and eyes.
- (c) Name of person(s) with whom the minor(s) is placed, DOB, age, height, weight, address, color of hair and eyes (applies only if a minor(s) was placed with a relative or friend).
- (d) Location.
- (e) Time when the WIC 300 hold was placed.
- (f) Officers involved.
- (g) Circumstances involved in the incident.
- (h) Name of social worker that reported to the scene or that took the telephone call.
- (i) Other people at the scene.
- (j) Any other pertinent information.

Once the report has been completed by the officer, it will be forwarded to a Supervisor/ADC for their approval, and then to the appropriate Division Deputy Chief. Additionally, the officer will forward a copy of the report to the appropriate social worker (if requested or if a WIC 300 hold was placed) in charge of the matter, once it has been approved. A copy of the report shall be scanned in the Department case management system.

Child Abuse Review Team (CART)

CART is a collaborated effort between DSS, Probation and, parole to ensure the safety of children at risk of victimization by a parolee, or a person under Probation's supervision. CART will provide an ongoing and open exchange of information among participating agencies. Participating agencies will provide a representative to attend the bi-monthly multi-agency review team meetings for ongoing assessment of child abuse related cases. Agencies will make joint home calls on an as needed basis. Any officer may refer any case that meets the CART criteria for a case staffing. Referral forms can be located in the department case management system.

See Policy Manual on Mandatory Reporting for further information.

305.2 ISSUED DATE

- 03/23/2020

Information Technology Use Procedures

306.1 INFORMATION TECHNOLOGY USE PROCEDURES PURPOSES AND USE

The Department/County is providing members with access to its Network and the Internet only for County business purposes. If a member has any doubt about whether a contemplated activity is appropriate for County business purposes, the member may consult with a supervisor to decide if a use is appropriate.

ETIQUETTE AND PROHIBITED ACTIVITY

All members must abide by rules of network etiquette, which include being respectful, and using the Network and the Internet in a safe and legal manner. The Department/County or authorized County officials will make a good faith judgment as to which materials, files, information, software, communications, and other content and activity are permitted and prohibited based on the following guidelines and under the particular circumstances. Unless a member is specifically authorized due to the member's work assignment, the following are among uses that are considered unacceptable, and constitute a violation:

- (a) Sending or soliciting sexually oriented messages or images.
- (b) Visiting sites featuring pornography, terrorism, espionage, theft, or drugs.
- (c) Gambling or engaging in any other activity in violation of local, state, or federal law.
- (d) Uses or activities that violate the law or County policy or encourage others to violate the law or County policy. This includes, for example:
 - Offering for sale or use any substance the possession or use of which is prohibited by law.
 - Without proper authorization, accessing, transmitting, or seeking confidential information about persons or co-workers.
 - Conducting unauthorized business.
 - Viewing, transmitting, downloading, or seeking obscene or pornographic materials or materials that violate or encourage others to violate the law.
 - Intruding, or trying to intrude, into the folders, files, work, networks, or computers of others, or intercepting communications intended for others.
 - Knowingly downloading or transmitting confidential information.
- (e) Uses that cause harm to others or damage to their property. This includes, for example:
 - Downloading or transmitting copyrighted materials without permission from the owner of the copyright in those materials. Even if materials on the Network or the Internet are not marked with the copyright symbol, ©, a member should assume that they are protected under copyright laws unless there is explicit permission on the materials to use them.

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- Using another's password or some other user identifier that misleads message recipients into believing that someone other than the member is communicating or otherwise using the other's access to the Network or the Internet.
 - Intentionally uploading a virus or other harmful component or corrupted data, or vandalizing any part of the Network.
 - Using any software on the Network other than that licensed or approved by the County.
- (f) Uses that jeopardize the security of access and of the Network or other networks on the Internet. For example, do not disclose or share your password with others, and do not impersonate another.
- (g) Accessing or attempting to access controversial or offensive materials.
- *Members are advised that access to the Network and the Internet may include the potential for access to materials inappropriate for use for County business purposes, including materials that may be illegal, defamatory, or offensive. Certain of these areas on the Internet may contain warnings as to their content, and members are advised to heed these warnings. Not all sites that may contain inappropriate material, however, will include warnings. Members must take responsibility for your use of the Network and the Internet and stay away from these sites.*
- (h) Commercial uses. For example, do not:
- Sell or buy anything over the Internet.
 - Solicit or advertise the sale of any goods or services (whether to one recipient or many, such as "junk e-mail").
 - Give others private information about yourself or others, including credit card numbers and Social Security numbers.
 - Use County information technology for unauthorized outside fund-raising activities, participating in any lobbying activity, or engaging in any prohibited partisan political activity.
 - Use County information technology to post County, Department and/or other public agency information to external news agencies, services bureaus, bulletin boards or other forums except if authorized prior.
- (i) Operating a business, or soliciting money for personal gain.
- (j) Uses that waste limited resources. For example, do not waste toner or paper in printers, and do not send chain letters, even for noncommercial or apparently "harmless" purposes, as these, like e-mail with large graphic attachments and "junk e-mail," use up limited Network capacity resources.
- (k) Suggesting to other members that they view, download, or seek materials, files, information, software, or other content that may be offensive, defamatory, infringing, or illegal.

USE AND MAINTENANCE OF EQUIPMENT AND FACILITIES

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Information Technology Use Procedures

The County may occasionally issue rules for use and maintenance of computers and other equipment. These include the following:

- Liquids are not to be kept on or near a member's computer, as these can cause serious damage.
- All original software assigned to a member must be available when the system needs to be serviced--it may need to be reinstalled.
- When a member has a computer problem, record/communicate all the details about the problem on the appropriate form and/or when called into Probation Automation Assistance or working with the County IT help desk.
- Computers are not to be removed from the building without written permission from County management.
- Software that is not licensed or authorized by the County is not to be installed and disks are not to be transported back and forth.
- Only authorized and encrypted (with minimum FIPS 140-2) USB Flash drives issued by the Probation department can be used to transport files between County computers and devices. Email requests for flash drives to "Probation Automation Assistance" with a CC from the member's supervisor with his/her approval.
- Use of computers for playing games is prohibited.
- Keep equipment plugged into a surge protector at all times.
- Report any damage to equipment to Probation Automation Assistance or Fresno County IT services help desk.

FAILURE TO FOLLOW POLICY AND/OR PROCEDURES

A member's use of the network and the internet is a privilege, and not a right. If a member violates the Information Technology Use policy and/or procedures, the member may be subject to discipline. Further, except if authorized in specific job-related circumstances, a member violates the policy and/or procedures if the member permits another to use their account or password to access the network or the internet, including, but not limited to, someone whose access has been denied or terminated. If the person the member allows to use their account violates the policy and/or procedures using their account, it is considered to be the same as the member violating the policy and/or procedures. Both members are then subject to the consequences of that violation. The County may take other disciplinary action under County policy. A violation of the policy and/or procedures may also be a violation of the law and may subject the member to investigation and criminal or civil prosecution.

See Policy Manual on Information Technology Use for further information.

306.2 ISSUED DATE

- 05/06/2020

Community Relations Procedures

307.1 COMMUNITY RELATIONS PROCEDURES

Requests and documentation:

- (a) Opportunities will arise for members to volunteer to participate in various events to interact with the public. When the scope of the event is related to recruitment, such as career fairs at schools and job fairs, those requests will be submitted to the Personnel Assistant Deputy Chief, to coordinate the Department's participation at the event. The Personnel Assistant Deputy Chief shall forward the request to all of the departmental Assistant Deputy Chiefs (ADCs) and Chief Office Assistants (COAs) to solicit volunteers. ADC's/COA's shall forward these e-mails to their subordinate staff, as well as staff from other units that a ADC/COA's covering. Members shall inform their supervisor of any potential conflicts if they are chosen to participate. In order for a member participant to be selected, approval must be obtained from their ADC/COA. The selection of volunteers will be made to ensure equal representation of all divisions, on a rotational basis, whenever possible. After the event is completed, at least one of the members shall complete and submit a Public Information Presentation Report to the Personnel Assistant Deputy Chief, with input from any other members who participated in the event.
- (b) Any presentations requested and conducted through the Crime Victim Assistance Center (CVAC) will be routed to the ADC with oversight of CVAC. After the event is completed, at least one of the members shall complete and submit a Public Information Presentation Report to the Personnel Assistant Deputy Chief, with input from any other members who participated in the event.

All other community engagement events will be submitted to the Division Deputy Chief and Assistant Deputy Chief (ADC who has oversight of the community engagement committee, who will coordinate the Department's Community Engagement efforts.

The Chief Probation Officer or the authorized designee will review all requests for final approval, and designate the number of participants and if overtime is approved. Community engagement events conducted on overtime are voluntary. Once requests are approved, a ADC will forward the request to all of the Departmental ADCs to solicit volunteers. ADC's shall forward these e-mails to their subordinate staff, as well as staff from any other units that a ADC is covering. Members shall inform their supervisor of any potential conflicts if they are chosen to participate. In order for the member participant to be selected, approval must be obtained from their ADC. The selection of volunteers will be made to ensure equal representation of all divisions, on a rotational basis, whenever possible.

When a request is made by the public for members to speak or participate in a community event, a Public Information Presentation Request form (located on the Department Website) can be submitted via the website, email, and/or fax. All requests will be reviewed by the appropriate manager(s), and forwarded for to the appropriate Division Deputy Chief for final approval. The appropriate manager or deputy chief will contact the requestor to provide a response in a timely manner.

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Community Relations Procedures

When a request is made by a member to speak or participate in a community event, a Public Information Presentation Request form (located in the department case management system) can be submitted via the website and/or fax. All requests will be reviewed by the appropriate manager(s), and forwarded for the appropriate Division Deputy Chief for final approval. The appropriate manager or deputy chief will make contact with the requestor to provide a response.

After a community event is completed, a designated lead member shall complete and submit a Public Information Presentation Report to the appropriate manager, with input from any other members who participated in the event. All Personnel-related events shall be routed to the Personnel Assistant Deputy Chief, CVAC events shall be routed to the CVAC manager, and all Community Engagement-related events shall be routed to the ADC with oversight of Community Engagement.

When the Department directs that a member serve on a committee that requires a fee, the Department will be responsible for payment.

Staff who desire authorization to participate in community activities during working hours or after normal work hours and expect compensation must make their request in writing in advance of the activity.

See Policy Manual on Community Relations for further information.

307.2 ISSUED DATE

- 04/20/2020

Chapter 4 - Intake, Orientation, and Supervision

Subpoenas and Court Appearances Procedures

400.1 SUBPOENAS AND COURT APPEARANCES PROCEDURES

Agreement with the Fresno County District Attorney and Subpoenas:

The Fresno County Probation Department has an agreement with the Fresno County District Attorney's office to provide members of the Department with electronic subpoenas, via email, for case(s) the District Attorney's Office is prosecuting.

The custodian of records, or the designee, for juvenile and adult cases will distribute subpoenas electronically, via email, within two business days of receiving the subpoena, to members and their supervisors, advising them to follow the reporting instructions or contact the assigned attorney set forth in the subpoena.

When the subpoena is sent electronically, and the subpoenaed member is unavailable to contact the District Attorney's office and is not available the day of the court hearing, a supervisor or designee shall contact the District Attorney's office to explain the situation and get further instructions. In some scenarios, when a member is not available, the supervisor will need to contact the Department's Personnel Unit to get additional instructions.

Supervisors for juvenile and adult cases will be able to update DA Portal regarding the members' availability.

Requesting Subpoenas for a Violation of Probation Hearing for Adult cases:

If a contested hearing is set, or the Court is requesting additional updated information, at the end of Court and during court cleanup, the court officer must fill out a red tag and forward the red tag stapled to the field report to the appropriate officer.

On the red tag, the court officer will list any request of the Court, prosecution, and defense counsel and provide the name of the defense attorney and the prosecution handling the VOP.

After the court officer fills out the red tag, they will email the assigned officer the contested hearing date and alert the assigned officer to look for the red tag to be returned to them.

Note: If a Deputy Probation Officer is working in a court officer capacity, and the contested hearing is a GO, the court officer should send an email to the assigned officer and supervisor as a courtesy, in order to expect the red tag and field report to be returned to the assigned officer.

If you are an officer and you receive a red tag, you must comply with the instructions, or if you have questions, contact the court officer assigned to the courtroom where the contested hearing will be heard for an explanation or clarification of purpose. As the assigned officer, you shall do the following:

- (a) Forward a witness list to the prosecution.

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- (b) Make three copies (3) of any reports, program letters, drug results, etc. which form the basis of the violation. This includes one copy for defense counsel, one copy for prosecution, as well as one copy for the probation file.
- (c) Update a new report with new case information and all-time credits for the contested hearing date.
- (d) Be prepared to be called for the hearing and have court clothes available in case you are needed the day of the hearing. The prosecution is the contact person for the officer to coordinate a time for the officer's appearance, not the court officer.

For juvenile cases, the District Attorney will subpoena the appropriate people regarding a contested hearing.

Unavailable to Appear

When a member receives a subpoena, and is scheduled for pre-approved annual leave the day of the court hearing, the member shall contact the party that issued the subpoena as soon as possible to explain the situation and provide their earliest availability. Upon supervisory approval, the member should ask the agency if another member could testify on their behalf and provide the necessary information for the agency to issue a subpoena.

If a member is sick the day of a court hearing, a supervisor or designee will immediately call the party that issued the subpoena to explain the situation and to get further instructions.

If a member receives a subpoena and they are unavailable to appear due to an on the job injury or any protected time, e.g. Family Leave Act, State Disability, a supervisor will call the party that issued the subpoena to explain the situation and to get further instructions. If the matter involves the Fresno County District Attorney's Office, a supervisor will also log into the DA Portal (Fresno Cases) to update the members' availability.

See Policy Manual on Subpoenas and Court Appearances for further information.

400.2 ISSUED DATE

- 04/06/2020

Chapter 5 - Field and Special Operations

Immigration Violations Procedure

500.1 IMMIGRATION VIOLATION PROCEDURES

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 would be permitted under the California Values Act. Any action taken shall be documented in the Probation case management system, and shall include the legal authority for the action taken and involved members.

Transfer Requests:

If an ICE detainer is placed on a minor who is detained at our Juvenile Justice Campus, an officer will provide a copy of the detainer to the minor and parent(s)/guardian(s) of the minor. The officer will inform the minor and the minor's parents(s)/guardian(s) that the Department of Homeland Security wants to assume custody of them. The Department will not provide the Department of Homeland Security any information related to the minor's case absent a court order of the judge of the juvenile court (Welfare and Institutions Code 831).

Notification Requests

If an ICE detainer is placed on a minor who is detained at our Juvenile Justice Campus, an officer will provide a copy of the detainer to the minor and parent(s)/guardian(s) of the minor. The officer will inform the minor and the minor's parents(s)/guardian(s) that the Department of Homeland Security wants to assume custody of them. The Department will not provide the Department of Homeland Security any information related to the minor's case absent a court order of the judge of the juvenile court (Welfare and Institutions Code 831).

Government Code § 7284.6

California law enforcement agencies **shall not**:

- (a) Use agency or department money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:
 1. Inquiring into an individual's immigration status.
 2. Detaining an individual based on a hold request.
 3. Providing information regarding:
 - (a) a person's release date or responding to requests for notification by providing release dates or other information
 1. unless that information is available to the public,
 2. or is in response to a notification request from immigration authorities in accordance with Section 7282.5.
 3. **Responses are never required, but are permitted under this subdivision, if they do not violate any local law or policy.**

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Immigration Violations Procedure

4. Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public.
 5. Making or intentionally participating in arrests based on civil immigration warrants.
 6. Assisting immigration authorities in the activities described in Section 1357(a) (3) of Title 8 of the United States Code (searching any boat, train, car, plane, or vehicle or patrolling the border to prevent illegal entry of aliens into the U.S.)
 7. Performing the functions of an immigration officer, whether formal or informal.
- (b) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement.
 - (c) Use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.
 - (d) Transfer an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Section 7282.5.
 - (e) Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.
 - (f) Contract with the federal government for use of Probation facilities to house individuals as federal detainees, except pursuant to Chapter 17.8 (commencing with Section 7310).

Discretionary Activities

Probation may, if it does not violate any of its own policies or any local law or policy:

- (a) Investigate, enforce, or detain upon reasonable suspicion of, or arresting for a violation of
 1. 8 USC 1326(b)(2), reentry after conviction of commission of aggravated felony, that is detected during an unrelated law enforcement activity.
 2. Transfers to immigration authorities are permitted under this subsection only if authorized by a judicial warrant or judicial probable cause determination, or in accordance with Section 7282.5.
- (b) Respond to a written request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law.
- (c) Conduct enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for purposes of task force investigations, so long as the following conditions are met:
 1. The primary purpose of the joint law enforcement task force is not immigration enforcement, as defined in subdivision (f) of Section 7284.4.

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2. The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement.
 3. Participation in the task force by a California law enforcement agency does not violate any local law or policy to which it is otherwise subject.
- (d) Make inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.
- (e) Give immigration authorities access to interview an individual in agency or department custody. All interview access shall comply with requirements of the TRUTH Act (Chapter 17.2 (commencing with Section 7283)).

Joint Task Forces

- (a) If a California law enforcement agency chooses to participate in a joint law enforcement task force, for which a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report annually to the Department of Justice, as specified by the Attorney General. The law enforcement agency shall report the following information, if known, for each task force of which it is a member:
1. The purpose of the task force.
 2. The federal, state, and local law enforcement agencies involved.
 3. The total number of arrests made during the reporting period.
 4. The number of people arrested for immigration enforcement purposes.
- (b) All law enforcement agencies shall report annually to the Department of Justice, in a manner specified by the Attorney General, the number of transfers pursuant to paragraph (4) of subdivision (a), and the offense that allowed for the transfer, pursuant to paragraph (4) of subdivision (a).
- (c) All records described in this subdivision shall be public records for purposes of the California Public Records Act, including its provided exemptions and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.
- (d) If more than one California law enforcement agency is participating in a joint task force that meets the reporting requirement pursuant to this section, the joint task force shall designate a local or state agency responsible for completing the reporting requirement.

500.2 REFERENCES

See Immigration Violations policy for additional guidance

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500.3 ISSUED DATE

- 03/23/2020
- 04/17/2023

Portable Audio/Video Recorder Procedures

501.1 PORTABLE AUDIO/VIDEO RECORDER PROCEDURES PURPOSE AND SCOPE

The Fresno County Probation Department recognizes that video recording of contacts between Department members, the public, and minors, provides an objective record of events. The use of a recording system complements members in the performance of their duties by providing a video record of an incident, which can enhance criminal prosecution and mitigate civil liability. While recordings obtained from video recorders provide an objective record of events, it is understood that video recordings do not necessarily reflect the experience or state of mind of the member or subjects in a given incident. Moreover, the recordings, especially video, have limitations, and may depict an event differently than the events recalled by the involved member. Specifically, it is understood that the recording device will capture information that may not have been heard (if audio is available) and/or observed by the involved member and that the involved member may have seen and heard information that may not have been captured on the video.

The Department and its members have a duty to accurately report the facts of every use of force incident through normal reporting procedures. This includes amendments to reports and supplemental reports when additional information or clarification is available.

The involved Department members may review available recordings to refresh their memory prior to their completion of an incident report pertaining to a use of force incident.

If a recording has been reviewed, members shall acknowledge in their report that they observed the video. When video footage is available from other than the Department, the Department will work with those agencies to obtain such video. Members shall not re-record videos with their personal devices. For critical incidents such as an Officer-Involved Shooting or in-custody death, the Chief Probation Officer shall retain full discretion on whether involved members may review any available video footage.

Any review of a recording of a use of force incident by Department members shall be documented in an incident report and shall not be undertaken in the presence of any other Department member who was either involved in, or was a witness to, the incident. An example would be as follows: "Prior to preparing my incident report I was able to review a video recording of the incident on (provide date and time)"

For all non-use of force incidents, members may consult with a supervisor to review any available video footage.

When charges are being sought in a criminal case or violation of probation, all related available recordings in the possession of the Department will be provided to the District Attorney's office or appropriate Law Enforcement personnel.

The Chief Probation Officer has final authority on the making, viewing, and usage of all video recordings.

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VIDEO ADMONISHMENT

Prior to reviewing any video recording, a supervisor, if practicable, will notify Department members to read the following admonishment:

You are about to view a video recording. It is important to understand that while this recording depicts visual information from the scene, the human eye and brain could perceive some things in stressful situations differently than a camera records them, so this photographic record may not reflect how the involved personnel actually perceived the event.

The recording may depict things that personnel did not see or hear (if audio is available). Personnel may have seen or heard things that were not recorded by the camera. Depending on the speed of the camera, some action elements may not have been recorded or may have happened faster than personnel could perceive and absorb them. The camera has captured a 2-dimensional image, which may be different from a person's 3-dimensional observations. Lighting and angles may also have contributed to different perceptions.

This recording is being shown in order to facilitate recollection of the incident. Video images are only one piece of evidence to be considered in reconstructing and evaluating the totality of the circumstances. Some elements may require further exploration and explanation before the investigation is concluded

USE IN TRAINING

Any video used for official training purposes requires approval by the Chief Probation Officer or the authorized designee. If videos are intended to be used for training purposes, the involved member will be first consulted. In no event will video recordings be used for training, or be otherwise used or shown, if it would result in ridicule or embarrassment of a member, except when required as part of a formal investigation or legal proceeding. If the member objects to the use of the video, such objection shall be submitted to the Chief Probation Officer or the authorized designee. The Chief Probation Officer or the authorized designee shall weigh the value of the video for training against the involved member's objections and basis for such objections. Ultimately the Chief Probation Officer has the final authority of whether to use the video for training.

See Policy Manual on Portable Audio Video Recorders for further information.

501.2 ISSUED DATE

- 11/30/2020

Public Recording of a Member's Activity with the Fresno County Probation Department Procedures

502.1 PUBLIC RECORDING OF A MEMBER'S ACTIVITY WITH THE FRESNO COUNTY PROBATION DEPARTMENT PROCEDURES

Public Audio/Video Recordings at one of the Fresno County Probation Department sites where the identities of persons under supervision are confidential:

Probation Department members will have interactions with members of the public who enter and remain in County buildings in which they have no apparent legitimate business, and who videotape/record staff and members of the public in those buildings. These individuals may be disruptive and combative with members of the Probation Department.

Because these County spaces serve individuals who require confidentiality in their identities, and due to confidential information disclosed in these County spaces, the County may prohibit videotaping or audio recording in these buildings entirely, as well as entering or remaining in the lobbies of these buildings, unless the individual has a legitimate business purpose at these locations.

Certain Probation Department buildings fall into the category described below:

- Lobbies with confidential clientele - (strictly confidential information exchanged, and the identities of individuals present are confidential): e.g., Juvenile Justice Campus (JJC), which includes Commitment and Detention facilities, Juvenile Courthouse, and the school; and the Crime Victim Assistance Center (CVAC).

JJC and CVAC lobbies fall under this category, because they serve individuals who require confidentiality in their identities, and confidential information may be disclosed while such individuals are present in the lobbies of these buildings.

For example, youth who are wards of the Court, and who must report to the JJC, are entitled to strict confidentiality, pursuant to Welfare and Institutions Code §827. These individuals may not be filmed by anyone in any JJC lobby, as such filming would likely violate the confidentiality requirements of Welfare and Institutions §827. Similarly, CVAC lobbies likely contain victims of domestic violence and other serious and violent crimes, and these confidential victims are entitled to confidentiality pursuant to Marsy's Law, Victims' Bill of Rights. This lobby is not to serve as a public forum for the general public.

For this type of non-public forum, because the purpose of the forum is for a confidential space to serve these populations, the Department could impose any reasonable regulations that preserve the confidentiality of individuals who have legitimate business purposes at these offices. These regulations could include:

- No videotaping or audio recording;

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- ~~• No entering or remaining in these lobbies, unless an individual has a legitimate business purpose at these locations. For example, only individuals who are being served by JJC or CVAC may enter these lobbies.~~
- In all areas, the Department may require that all individuals present act in a manner that does not inhibit or disturb the legitimate business being conducted.
- In any case, appropriate signage should be posted advising the public of any restrictions and requiring that all those lawfully present must be quiet and unobtrusive, so that the legitimate business of the department is not disturbed.

Public Audio/Video Recordings at one of the Fresno County Probation Department sites where some confidential information may be shared:

Probation Department members will have interactions with members of the public who enter and remain in County buildings in which they have no apparent legitimate business, and who videotape/record staff and members of the public in those buildings. These individuals may be disruptive and combative with members of the Probation Department.

Adult Probation Department lobbies are County spaces that serve individuals who are not legally entitled to confidentiality in their identities, but who may disclose confidential information in those spaces. For example, in Adult Probation Department lobbies, individuals must go to a window and disclose confidential identifying personal information. Within the foregoing areas, reasonable regulations could include:

- (a) The Department could specify that videotaping, and any related sound recording capabilities and devices, may only be conducted behind a certain pre-designated line, or in a certain area, which would ensure that confidential information is not overheard or otherwise recorded.
- (b) If an area is too small, and/or because confidential information is/may be disclosed, or for other legitimate safety and/or security concerns, the Department can specify that videotaping and/or sound recording of any kind is strictly prohibited in these areas.
- (c) In all areas, the Department may require that all individuals present act in a manner that does not inhibit or disturb the legitimate business being conducted.

Relevant Laws

The following statutes provide support for certain County restrictions discussed herein, but do not otherwise limit proper regulation or restrictions, in accordance with current case authorities and related analysis.

Penal Code §602.1(b) Any person who intentionally interferes with any lawful business carried on by the members of a public agency open to the public, by obstructing or intimidating those attempting to carry on business, or those persons there to transact business with the public agency, and who refuses to leave the premises of the public agency after being requested to leave by the office manager or a supervisor of the public agency, or by a peace officer acting at the request of the office manager or a supervisor of the public agency, is guilty of a misdemeanor,

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~~punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to four hundred dollars (\$400), or by both that imprisonment and fine.~~

This statute could be used to remove and prosecute individuals who refuse to follow the regulations listed above. This statute should be included as part of the notice posted in the above-described buildings.

Penal Code §632 prohibits using a recording device to eavesdrop upon or record confidential communication. Subsection (b) of Section 632 defines "confidential communication" as any communication carried on in circumstances that may reasonably indicate that any party to the communication desires it to be confined to the parties, but excludes a communication made in a public gathering or in any legislative, judicial, executive, or administrative proceeding open to the public, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded.

If a videotaping individual surreptitiously employs a recording device (in their pocket, or otherwise in a hidden or disguised manner), this provision may likely apply.

In situations where video and/or audio recording may be restricted as described above, appropriate signage should be placed in those areas.

If a space is large enough to allow videotaping, while still protecting confidentiality of information, appropriate signage should be placed in those areas.

Signs should be placed and maintained in several prominent places in the space, and in a place where the sign can be seen before a member of the public enters the space.

Members Being Filmed:

If a member is being filmed, and the individual requests their name and/or badge number, an officer is required to provide their name and badge number. A non-peace officer is not required to provide their name.

See Policy Manual on Public Recording of Members with the Fresno County Probation Department for further information.

502.2 ISSUED DATE

- 02/04/2021

Operations Planning and Deconfliction

503.1 OPERATIONS PLANNING AND DECONFLICTION

Operation Packets

Operation packets (located in Departments case management system) should contain accurate, complete, correct, truthful, and known available information that includes, but is not limited to:

- (a) Sentencing/ Disposition minute order/ PRCS terms and conditions
- (b) Photographs, including aerial photographs, of the involved location, neighboring yards, and obstacles, if available.
- (c) Maps of the location, if available.
- (d) Diagrams of any property and the interior of any buildings that are involved, if available.
- (e) Pertinent information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against law enforcement, gang affiliation, criminal history).
- (f) Information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (g) Pertinent information about the property from the past 5 years (e.g., premise history/ prior calls for service).
- (h) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals, or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (i) Other environmental factors (e.g., nearby venues such as schools and daycare centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (j) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest).

Operations Plan

The plan shall address such issues as:

- (a) Operation goals, objectives, and strategies.
- (b) Participants and their roles.
 - 1. An adequate number of identified officers shall be included in the operation team to provide reasonable notice of a legitimate Probation operation.
- (c) Identification of all communications channels and call-signs.
- (d) Use of force issues.
- (e) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

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- (f) Plans for detaining people who are not under arrest.
- (g) Contingencies for handling children, dependent adults, animals, and other people who might be at the location, in accordance with the Mandatory Reporting and Child and Dependent Adult Safety policies.
- (h) Communications plan.
- (i) Responsibilities for writing, collecting, reviewing, and approving reports.

Briefing

- (a) The briefing shall include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants shall review the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant. Any items to be seized shall be identified at the briefing.
- (c) The Operational Lead shall discuss contingency plans for emergencies (e.g. shots fired, hostage situation, leg bails, barricaded subjects, emergency evacuations of personnel or victims, tactical withdrawals for "out drills" and rendezvous locations, trauma center for injured persons).
- (d) The Operational Lead shall ensure that all participants are visually identifiable as officers.
 - 1. Exceptions may be made by the Operational Lead for officers who are conducting surveillance or working undercover. However, those members exempt from visual identification shall be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (e) The briefing shall include details of the communications plan.
- (f) The Operational Lead should consider whether notification should be made to the law enforcement agency of that jurisdiction
- (g) The briefing shall include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel, including any internal communications systems.

503.2 ISSUED DATE

- 05/27/2022

Chapter 8 - Personnel

Badges, Patches, and Identification

800.1 BADGES, PATCHES, AND IDENTIFICATION

A Peace Officer who Honorably retires from the Department may make a request (complete form called Purchase of Badge located in the Department's case management system) to the Chief Probation Officer through their Chain of Command. The officer may only purchase their belt or wallet badge at the going rate for the purchase of a new badge. Once the form has been submitted, the Chief Probation Officer will review all requests and have full discretion if the request will be approved or denied. Peace officers who are automatically not eligible to purchase their badge: 1) resignation, 2) resigning or retiring in lieu of discipline or termination.

If the request is denied the form will be sent back to the member who made the request. If the request is approved the member will be notified to pick up their form and to contact the business office to purchase their badge. Once the purchase has been made the member shall contact the training unit to set up an appointment to go over what was approved. The member will need to provide a copy of the receipt from the business office and the form indicating the Chief Probation Officer authorized the purchase of the badge. Another person may purchase the Department badge on behalf of the member; however, the member will be required to sign the "Purchase of Badge" form attesting the badge will be used only for memorabilia purposes.

The training unit will retire the badge number from further use after it is provided to the member. A copy of the form will be provided to the member and the original will be placed in the member's training file.

It is intended that the duty badge shall be used only as private memorabilia as other uses of the badge shall be considered unlawful and a violation of this procedure. As an example, the badge shall be displayed in a case, or on a plaque, etc. after the purchase. The Chief Probation Officer has full discretion to waive any portion of this procedure.

Receiving new Badges:

Upon notification that a full-time Peace Officer has completed PC 832 laws of arrest training (must provide certificate) and is eligible, the Personnel Development Division will issue a wallet and belt badge to the peace officer, and an identification card indicating peace officer status (an appointment needs to be made). Extra help Peace Officers shall complete the PC 832 laws of arrest class and the identified Core academy before the issuance of their badge and new identification card.

The identification card shall only be used or displayed during the official capacities of your employment.

See Policy Manual on Badges, Patches, and Identification for further information.

800.2 ISSUED DATE

- 06/10/2022

Utility Cart Procedure

802.1 UTILITY CART CONTROLS

- A. The Key Switch is used to control power to the utility cart's drive system. The key must be in the ON position to operate the utility cart. The key can be removed only when in the switch is in the OFF position. The switch locks automatically when the key is removed. Turn the power switch to the OFF position whenever not in use to protect the battery and retain battery charge.
- B. The **Safety Directional Switch** is used to control the utility cart's direction of travel. Turn the switch to the **F** position to run the utility cart in reverse. Place in **N** for neutral and when parked. A loud warning tone sounds when in reverse. Do not change the Safety Directional Switch while the utility cart is moving.
- C. The **Accelerator Pedal** is used to control the utility cart's speed. Push the pedal down to increase the utility cart's speed, release the pedal to decrease the utility cart's speed.
- D. The **Brake Pedal** is used to slow down or to stop the utility cart's direction of travel. Push the pedal down to slow down or to stop the utility cart.
- E. The **Parking Brake Pedal** is used to keep the utility cart from moving when it is parked. The foot-operated parking brake lock is controlled by a bar located across the top of the brake pedal. To set the foot brake for parking, push the pedal and bar down at the same time. The parking brake remains applied until automatically released by pushing down the accelerator pedal. The parking brake can also be released by momentarily pushing down the brake pedal and then releasing it. Always apply the parking brake when leaving the vehicle.
- F. The Turn Signal Lever is used to signal the direction of turns and lane changes. The horn is located on the end of the turn signal; press to activate the horn. The emergency hazard lights are also located on the turn signal.
- G. The lights can be used by pulling the switch out to activate and pushing the switch closed to turn off.
- H. The battery level indicator shall be monitored. When low, the utility cart shall be plugged in and charged.

802.2 UTILITY CART OPERATION

- A. Start-up procedure:
 1. Get into utility cart and confirm the Safety Directional Switch is set to the **N** position and accelerator pedal is not depressed.
 2. Insert the key and turn the power switch to the **ON** position. Allow the system to energize. After 2 seconds, there will be an audible click and the system is ready.
 3. Move Safety Directional Switch to desired position for direction of travel desired.
 4. Release the parking brake.

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5. To drive, push down the accelerator with the right foot. The accelerator pedal operates the utility cart in selected speeds when the pedal is depressed. Push the accelerator pedal down to operate the utility cart that does not endanger any person or property.
 6. To slow or stop the utility cart, push down on the brake pedal.
- B. Parking Procedure
1. Bring the utility cart to a complete stop. Set the parking brake.
 2. Move Safety Directional Switch to the **N** position.
 3. Turn the power Key Switch to the **OFF** position. Always remove key when leaving the utility cart unattended.
- C. Charging Procedure
1. When finished using the utility cart, return it to the charging station and follow established parking procedures.
 2. Remove rubber cover from charging receptacle.
 3. Plug the electrical cord into the electrical outlet first and then the utility cart charging receptacle. Utility carts shall be plugged in whenever not in use.

802.3 SAFE OPERATING PROCEDURES

- A. For personal safety, and to maintain vehicle stability and control, observe the following procedures when operating the utility cart. Failure to comply with these procedures may result in bodily injury and property damage.
1. General Safety Procedures
 - (a) An operator shall conduct a safety check on the utility cart prior to operation.
 - (b) Utility carts shall be operated from the driver's side by authorized persons only and only in designated areas at the Juvenile Justice Campus (roads and sidewalks).
 - (c) Operators shall use extreme caution at all times.
 - (d) Operators are responsible for ignition keys for the period of time in which they are using the utility cart. Keys shall not be left in the utility cart.
 - (e) Use of cell phones and radios are prohibited while driving a utility cart. Operator must pull over and stop to make or receive calls.
 - (f) Utility carts shall not block exits, entrances, sidewalks, fire hydrants or fire lanes.
 2. Operator's Safety Procedures
 - (a) Drive on paved surfaces only.
 - (b) Utility carts shall not be driven that does not endanger any person or property.

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- (c) Operators must account for conditions that may make driving surfaces slippery. This includes rain, sand, and oil.
 - (d) Utility carts can turn corners very sharply; drive slowly and keep all four wheels on the ground.
 - (e) The utility cart must come to a complete stop before proceeding through intersecting sidewalks or other areas that have blind spots.
 - (f) When approaching a blind corner, such as a building, or wall, slow down and use caution.
 - (g) The parking brake must be set when not in transit.
3. Occupant's Safety Procedures
- (a) Do not carry more occupants than seating is provided that is posted on the utility cart.
 - (b) The utility cart bed is not meant to carry anyone, and this practice is not allowed.
 - (c) Do not start utility carts until all occupants are seated.
 - (d) Occupants must remain seated and hold on the hand-hold while the utility cart is in motion.
 - (e) Occupants must remain seated until the utility cart comes to a complete stop; jumping on or off a moving cart is not allowed.
 - (f) Operators and occupants must keep their bodies inside the cab of the utility cart (except when using hand signals). Personal injury may result if arms, legs, or other body parts are not kept inside the vehicle while moving.
4. Cargo Loading Safety Procedures
- (a) Do not overload a utility cart by exceeding the recommended carrying or load capacity. Exceeding these limits may endanger occupants.
 - (b) Cargo shall not extend more than one foot from either side or front of the utility cart.
 - (c) Cargo that extends more than three feet from the rear of the utility cart must be flagged.
5. Pedestrian Safety Procedures
- (a) Operators must yield to pedestrians at all times.
 - (b) Operators must take into account that a pedestrian may be physically impaired or unable to hear or see the utility cart.
 - (c) Operators must not attempt to intimidate pedestrians to get the pedestrians out of their way.
 - (d) Whenever an operator feels they cannot predict the actions of a pedestrian or other vehicle, they must come to a complete stop.

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802.4 UTILITY CART OPERATION AND SAFETY TRAINING

- A. Prior to operating a utility cart, operators must review:
1. The Utility Cart policy and procedure.
 2. A member will be responsible to sign a document acknowledging they reviewed the policy and procedure (see Utility Cart Verification form (Probation Services) in the Department's case management system).

802.5 MAINTENANCE AND REPAIRS

- A. The Chief Office Assistant over Juvenile Services office support, shall be responsible to:
1. Ensure that utility carts receive preventative maintenance and service checks as indicated by the owner's manual.
 2. Ensure that equipment and safety features on the utility carts are working properly.
 3. Ensure that the utility carts are taken out of service when there are deficiencies that could contribute to an unsafe condition.
 4. Maintain preventative maintenance and repair records for the utility carts.

802.6 REFERENCES

See Utility Cart Policy for additional guidance.

802.7 ISSUED DATE

- 08/21/2023

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