PROBATION CODE OF ETHICS

I AM DEDICATED TO MY CHOSEN PROFESSION AND WILL:

- Commit to excellence and recognize my department as a symbol of public trust
- Uphold the law with dignity and accountability
- Value diversity and treat all people with respect
- Be honest, objective and serve with humility
- Exercise good judgment in my personal and professional life

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MISSION STATEMENT

The Tulare County Probation Department was established in 1908 and provides a multi-dimensional approach to community safety. We are committed to an evidence-based approach to public safety that promotes positive behavior change.

Vision

- Changing Lives
- Building Safer Communities

Mission

- Protecting our Communities
- Enhancing Quality of Life
- Serving our Courts

Values

- Integrity
  - Adhering to strong moral principles, which include honesty, responsibility, and unity.
- Professionalism
  - Observing high standards of achievement and accountability both individually and collectively.
- Service
  - Working with each other, our clients, and community partners to promote positive change.

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Chapter 1 - Probation Role and Authority

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Probation Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

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

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

This department does not tolerate abuse of authority.

100.3 OFFICER AUTHORITY

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

100.4 ARREST AND OTHER POWERS

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

(a) Conditions of any person being supervised by this department who is on parole, probation, mandatory supervision, or post-release community supervision.

(b) The escape of an incarcerated person or ward from a state or local institution.

(c) The transportation of persons on parole, probation, mandatory supervision, or post-release community supervision.

(d) Violations of any penal provisions of law discovered while performing the usual or authorized duties of employment.

(e) Rendering mutual aid to any other law enforcement agency.

100.5 CONSTITUTIONAL REQUIREMENTS

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

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Chief Probation Officer

101.1 PURPOSE AND SCOPE

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

101.2 POLICY

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

101.3 CHIEF PROBATION OFFICER REQUIREMENTS

The position of Chief Probation Officer shall be filled by appointment made by the Tulare County Board of Supervisors.

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Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

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

102.3 OATH OF OFFICE

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

102.4 MAINTENANCE OF RECORDS

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

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Policy Manual

103.1 PURPOSE AND SCOPE

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.3 AUTHORITY

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

103.4 DEFINITIONS

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

TCPD - The Tulare County Probation Department.

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Department - The Tulare County Probation Department.

Employee - Any person employed by the Department.

Manual - The Tulare County Probation Department Policy Manual.

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

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

- Full- and part-time employees
- Volunteers

Officer - Those employees of the Tulare County Probation Department who are peace officers pursuant to Penal Code Section 830.5.

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

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

POST - The Commission on Peace Officer Standards and Training.

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

Shall or will - Indicates a mandatory action.

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

STC - Standards and Training for Corrections.

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

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

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

103.5 ISSUING THE POLICY MANUAL

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

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

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

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

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

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

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 POLICY

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

200.3 DIVISIONS

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

- Adult Division
- Juvenile Division
- Administrative Division
- Institutions Division
- Fiscal Division

200.3.1 ADULT DIVISION

The Adult Division is commanded by an assigned manager(s), whose primary responsibility is to provide general management, direction, and control for the Adult Division. The Adult Division consists of officers and special operations, which includes the field supervision of adults, court services for adults, pre-trial services for adults, and other units as assigned.

200.3.2 JUVENILE DIVISION

The Juvenile Division is commanded by an assigned manager(s), whose primary responsibility is to provide general management, direction, and control for the Juvenile Division. The Juvenile Division consists of officers tasked with the field supervision of juveniles, court services for juveniles, and other units as assigned.

200.3.3 ADMINISTRATIVE DIVISION

The Administrative Division is commanded by an assigned manager(s), whose primary responsibility is to provide general management, direction, and control for the Administrative Division.

200.3.4 INSTITUTIONS DIVISION

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

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200.3.5 FISCAL DIVISION
The Fiscal Division is commanded by an assigned manager(s), whose primary responsibility is to provide general management, direction, and control for the Fiscal Division.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND
The Chief Probation Officer exercises command over all members of the Tulare County Probation Department. During planned absences, the Chief Probation Officer will designate an acting Chief Probation Officer. Except when designated as above, the order of command authority in the absence or unavailability of the Chief Probation Officer is:

(a) Assistant Chief Probation Officer

(b) Deputy Chief Probation Officer(s)

(c) Probation Division Manager(s)

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Departmental Directives

201.1 PURPOSE AND SCOPE

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

201.2 POLICY

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

201.3 PROTOCOL

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

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

201.4 RESPONSIBILITIES

201.4.1 DIVISION MANAGERS

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

201.4.2 CHIEF PROBATION OFFICER

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

201.5 ACCEPTANCE OF DIRECTIVES

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

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Emergency Plan

202.1 PURPOSE AND SCOPE

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

202.2 POLICY

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

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

202.2.1 TULARE COUNTY PROBATION DEPARTMENT CODE/ORDINANCES

An emergency management organization has been established by the County by ordinance. This ordinance has been approved by the County's Board of Supervisors (Government Code § 8610).

202.3 ACTIVATING THE EMERGENCY PLAN

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

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

202.3.1 RECALL OF PERSONNEL

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

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

202.4 LOCATION OF THE EMERGENCY PLAN

Copies of the Emergency Action Plan and Illness and Injury Prevention Program are available at each office location in the reception area. All supervisors should familiarize themselves with the Emergency Plan and the roles members will play when the plan is implemented. The Chief Probation Officer should ensure that department members are familiar with the roles they will play when the plan is implemented.

202.5 EMERGENCY PLAN REVIEW

The Chief Probation Officer or the authorized designee shall review the Emergency Plan at least once every two years and ensure the plan conforms to any revisions made by the National Incident

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Management System (NIMS). The Chief Probation Officer or the authorized designee should appropriately address any needed revisions.

202.6 TRAINING

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

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Training

203.1 PURPOSE AND SCOPE

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

203.2 POLICY

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

203.3 OBJECTIVES

The objectives of the training program are to:

(a) Enhance the level of probation service to the public.

(b) Increase the technical expertise and overall effectiveness of department members.

(c) Provide for continued professional development of department members.

(d) Ensure compliance with STC rules and regulations concerning probation training.

203.4 TRAINING MANAGER

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

203.4.1 TRAINING RESTRICTION

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

203.5 TRAINING PLAN

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

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

The plan will address all required training.

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203.5.1 GOVERNMENT-MANDATED TRAINING

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

(a) State-mandated minimum training for officers requires completion of the following:

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

(b) Any other mandated training (e.g., National Incident Management System) as determined by the Tulare County Probation Department.

203.6 TRAINING ATTENDANCE

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

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1. Court appearances.
2. Previously approved vacation or time off.
3. Illness or medical leave.
4. Physical limitations preventing the member's participation.
5. Emergency situations or department necessity.

(b) All members unable to attend training as scheduled shall notify their supervisors as soon as practicable, but no later than one hour prior to the start of training, and shall arrange through the supervisor or Training Manager to attend the required training on an alternate date.

203.7 DAILY TRAINING BULLETINS

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

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

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

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

203.8 TRAINING RECORDS

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

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Electronic Mail

204.1 PURPOSE AND SCOPE

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

204.2 POLICY

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

204.3 PRIVACY EXPECTATION

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

204.4 RESTRICTIONS ON USE OF EMAIL

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

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

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

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

204.5 EMAIL RECORD MANAGEMENT

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

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

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Administrative Communications

205.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the Department communicates significant changes to its membership. This policy also provides guidelines for the professional handling of electronic and non-electronic administrative communications from the Department.

205.2 POLICY

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

205.3 DEPARTMENT EMAILS

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

205.4 CORRESPONDENCE

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

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

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

205.5 SURVEYS

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

205.6 OTHER COMMUNICATIONS

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

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Retiree Concealed Firearms

206.1 PURPOSE AND SCOPE

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

206.2 POLICY

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

206.3 LEOSA

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

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a peace officer for an aggregate 10 years or more or, if employed as a peace officer for fewer than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department in which the officer acknowledges disqualification to receive a firearms qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

206.3.1 LEOSA CARD FORMAT

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

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

206.3.2 AUTHORIZATION

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

(a) In possession of photographic identification that identifies the individual as having been employed as a peace officer, and a certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active-duty peace officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the

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standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by California law or entity on private property if such prohibition is permitted by California law.

206.4 CALIFORNIA IDENTIFICATION CARD

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

(a) Honorably retired following service as a full-time sworn officer of this department who was authorized to, and did, carry a firearm during the course and scope of employment (Penal Code § 25455).

1. Honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement, however, it shall not include any officer who retires in lieu of termination or who is retiring because of a psychological disability (Penal Code § 26305).

(b) Honorably retired as a peace officer from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):

1. The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.

2. This department is in possession of the retiree's complete personnel records or can verify the retiree's honorably retired status.

3. The retiree is in compliance with all of the requirements of this department for the issuance of a Concealed Carry Weapon (CCW) Approved endorsement.

(c) Was a qualified retired reserve officer who met the department requirements for a CCW Approved endorsement (Penal Code § 26300).

206.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

(a) Photograph of the retiree.

(b) Retiree’s name and date of birth.

(c) Date of retirement.

(d) Name and address of this department.

(e) A stamped endorsement "CCW Approved" along with the date by which the endorsement must be renewed (not more than one year). In the case in which a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

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

(a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.

(b) This department is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.

(c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

206.5 FORMER OFFICER RESPONSIBILITIES

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

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable department policies and federal, state, and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that the individual is not prohibited by law from receiving or possessing a firearm.

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

(a) Qualify annually with the authorized firearm at the retired officer's expense.

(b) Remain subject to all applicable department policies and federal, state, and local laws.

(c) Not engage in conduct that compromises public safety.

206.6 DENIAL, SUSPENSION, OR REVOCATION

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

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

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

(a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.

(b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first-class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
3. Failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

(c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or the retiree's employee organization, and one selected jointly (Penal Code § 26320).

1. The decision of such hearing board shall be binding on the Department and the retiree.
2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender the identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege" (Penal Code § 26325(b)).

(d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Chief Probation Officer or the authorized designee as soon as practicable. The Chief Probation Officer or authorized designee should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise the individual in writing of the following:

1. The retiree's concealed firearm CCW endorsement is immediately and temporarily suspended.
2. The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.

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3. The retiree will forfeit the right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Division Manager should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Division Manager may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.
5. Notification of the temporary suspension should also be promptly mailed to the retiree via first-class mail, postage prepaid, return receipt requested.
    (a) The Division Manager should document the investigation, the actions taken, and, if applicable, any notification made to the former member. The memo should be forwarded to the Chief Probation Officer.

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Video Surveillance Equipment

207.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the Department utilizes video surveillance equipment.

207.2 POLICY

The Tulare County Probation Department utilizes video surveillance equipment with an ability to audio record to provide safety and security to its staff and clients.

207.3 PROBATION HEADQUARTERS

It is the policy of the Tulare County Probation Department to utilize video surveillance equipment to monitor and record designated areas at Headquarters as a tool to enhance the safety and security of the facility and its occupants. All records will be maintained in accordance with federal, state and local laws and regulations regarding the retention of video surveillance.

This is to inform all staff that this taping ability and use is a core part of the safety and security system of the Headquarters Office and that their activities are subject to such taping capabilities.

207.3.1 VIDEO SURVEILLANCE LOCATIONS

Video surveillance equipment utilizes both audio and video surveillance in areas where staff may have contact with clients inside of Headquarters. For the sake of preserving privacy, cameras are not able to tape the bathroom areas.

Video surveillance equipment without audio is utilized in areas of the Headquarters that require additional security measures. These areas include but are not limited to the armory, evidence room, and storage areas.

207.4 JUVENILE INSTITUTIONS

It is the policy of the Tulare County Probation Department to utilize video surveillance equipment to monitor and record designated areas in and around the Juvenile Detention Facility as a tool to enhance the safety and security of the facility and its occupants.

The Tulare County Juvenile Detention Facility and all associated buildings have video surveillance equipment. There is a Control Center whereby staff watch the activities within the facility 24 hours a day. There are TV monitors that cover the activities throughout the facility 24 hours a day. This system is there to provide safety and security for all staff and juveniles. Additionally, the security system has audio recording capabilities that record 24 hours a day.

This is to inform all staff that this taping ability and use is a core part of the safety and security system of the Juvenile Detention Facility and that their activities are subject to such taping capabilities.

207.4.1 VIDEO SURVEILLANCE LOCATIONS

Cameras are installed at security doors within the Juvenile Detention Facility perimeter to assist Central Control with personnel identification when requesting to pass through those doors.

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Video Surveillance Equipment

Cameras are installed in designated areas within the facility where residents may be located during regular operations (such as recreation, school, meals, visitation, housing units, transitioning between locations, Booking Intake and Release, and Medical). These cameras allow Central Control to monitor and manage activities throughout the facility and provide a measured response to any emergencies which may arise during the duty shift.

For the sake of preserving privacy, cameras are not able to tape the bathroom areas within the Juvenile Institution.

This is to inform all staff that this taping ability and use is a core part of the safety and security system of the Juvenile Institution and that their activities are subject to such taping capabilities.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

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

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

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

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

300.2.2 FAIR AND UNBIASED USE OF FORCE

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

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

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

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

300.2.4 FAILURE TO INTERCEDE

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

300.3 USE OF FORCE

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

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably

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appears necessary in a particular situation with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

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

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

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

300.3.1 DE-ESCALATION

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

(a) Summoning additional resources that are able to respond in a reasonably timely manner.

(b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.

(c) Employing other tactics that do not unreasonably increase officer jeopardy.

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

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

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300.3.2 USE OF FORCE TO EFFECT AN ARREST

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

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

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

(a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).

(c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).

(e) The effects of suspected drugs or alcohol.

(f) The individual's apparent mental state or capacity (Penal Code § 835a).

(g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).

(h) Proximity of weapons or dangerous improvised devices.

(i) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.

(j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).

(k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.

(l) Training and experience of the officer.

(m) Potential for injury to officers, suspects, bystanders, and others.

(n) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

(o) The risk and reasonably foreseeable consequences of escape.

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(p) The apparent need for immediate control of the individual or a prompt resolution of the situation.

(q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(r) Prior contacts with the individual or awareness of any propensity for violence.

(s) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider the totality of the circumstances including, but not limited to:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the individual can comply with the direction or orders of the officer.

(c) Whether the individual has been given sufficient opportunity to comply.

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

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

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

300.3.6 USE OF FORCE TO PREVENT INGESTION OF EVIDENCE

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

300.3.7 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

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

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300.3.8 RESTRICTIONS ON THE USE OF A CHOKE HOLD

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

300.3.9 ADDITIONAL RESTRICTIONS

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

300.4 DEADLY FORCE APPLICATIONS

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

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

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

(a) Officers may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury to the officer or another person.

(b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury

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to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.4.2 DISPLAYING OF FIREARMS

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

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

(b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat. This action is a use of force.

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

300.5 REPORTING THE USE OF FORCE

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

A report shall be submitted no later than the day after the incident occurred, except whenever there are injuries sustained by any of the participants in the use of force. The officer will contact their immediate supervisor, or in that supervisor's absence, any other department supervisor, by telephone to brief the supervisor of the incident.

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300.5.1 NOTIFICATION TO SUPERVISORS

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

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of the conducted energy device (CED) or control device.

(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges unreasonable force was used or that any of the above has occurred.

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

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

300.5.3 REPORT RESTRICTIONS

Officers shall not use the term excited delirium to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as excited delirium (Health and Safety Code § 24402).

300.6 MEDICAL CONSIDERATIONS

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

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

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

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witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

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

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

300.7 SUPERVISOR RESPONSIBILITY

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

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

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(g) Determine if there is any indication that the individual may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

300.7.1 DIVISION MANAGER RESPONSIBILITY
The Division Manager shall review each use of force by any personnel within the Division Manager's command to ensure compliance with this policy.

300.8 TRAINING

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

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

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

(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.

(b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

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

300.9 USE OF FORCE ANALYSIS

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

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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300.10 USE OF FORCE COMPLAINTS

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

300.11 POLICY REVIEW

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

300.12 POLICY AVAILABILITY

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

300.13 PUBLIC RECORDS REQUESTS

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

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Use of Force Review Boards

301.1 PURPOSE AND SCOPE

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

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

301.2 POLICY

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

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when there is use of force by a member.

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

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

301.4.1 COMPOSITION OF THE BOARD

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

- Representatives of each Division
- Staff representative from the involved member's chain of command
- Training Manager
- Non-administrative supervisor
- A peer officer/department member

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- An officer from an outside agency, as appropriate
- Department instructor for the type of weapon, device, or technique used

The senior-ranking staff representative who is not in the same Division as the involved member will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

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

The board members may request further investigation, request reports be submitted for the board's review.

The board does not have the authority to recommend discipline.

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

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

The board shall make one of the following recommended findings:

(a) The member's actions were within department policy and procedure.

(b) The matter requires further investigation.

The documentation of the review will be provided to Executive Administration, who will complete a referral for an internal affairs investigation, if needed.

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Officer-Involved Shootings and Deaths

302.1 PURPOSE AND SCOPE

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

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

302.2 POLICY

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

302.3 TYPES OF INVESTIGATIONS

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

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

302.3.1 CRIMINAL INVESTIGATIONS

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

302.3.2 ADMINISTRATIVE INVESTIGATION

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

302.4 INVESTIGATION PROCESS

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

302.4.1 OFFICER RESPONSIBILITIES

The officer should, as appropriate:

(a) Notify a supervisor.

(b) Notify the appropriate local law enforcement agency.

(c) Request appropriate emergency medical services.

(d) Request additional resources from the Department or other law enforcement agencies.

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302.4.2 SUPERVISOR RESPONSIBILITIES

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

(a) In the event a law enforcement investigator has not arrived, attempt to obtain a brief overview of the situation from any uninvolved officers.

1. In the event there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) Each involved Tulare County Probation Department officer should be given an administrative order not to discuss the incident with other involved officers or Tulare County Probation Department members pending further direction from a supervisor.

(c) As soon as practicable, in coordination with the supervising officer of the law enforcement investigator in charge of the criminal investigation, request that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that the officer is provided with appropriate security.

302.4.3 NOTIFICATIONS

The supervisor is responsible for notification to the following persons, through their chain of command, as soon as practicable:

- Chief Probation Officer
- District Attorney
- County Counsel
- Outside agency investigators
- Psychological/peer support personnel
- Clergy, if requested
- Presiding Judge
- *Involved officer's agency representative, if requested*

302.4.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

(a) Any request for legal representation will be accommodated.

1. Involved Tulare County Probation Department officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

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(c) Discussions with employee groups will be privileged only as to the discussion of non-criminal information.

(d) A licensed psychotherapist should be provided by the Department to each involved Tulare County Probation Department officer. A licensed psychotherapist may also be provided to any other affected Tulare County Probation Department members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.
2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

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

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

302.5 CRIMINAL INVESTIGATION

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

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

(a) Tulare County Probation Department supervisors should not participate directly in any voluntary interview of Tulare County Probation Department officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) Any voluntary statement provided by an involved officer will be made available for any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

302.5.1 REPORTS BY INVOLVED TULARE COUNTY PROBATION DEPARTMENT OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved Tulare County Probation Department

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officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

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

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

302.6 ADMINISTRATIVE INVESTIGATIONS

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

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

(a) Any involved officer may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

    1. If further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of the prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

    1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.

    2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed (Government Code § 3303(i)).

    3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).

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4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, the officer should be given *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The assigned investigator shall compile all relevant information and reports necessary for the Chief Probation Officer to determine compliance with policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

302.7 AUDIO AND VIDEO RECORDINGS

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

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

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

302.8 DEBRIEFING

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

302.8.1 CRITICAL INCIDENT STRESS DEBRIEFING

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

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

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

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302.8.2 TACTICAL DEBRIEFING

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

302.9 MEDIA RELATIONS

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

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

302.10 REPORTING

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

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Firearms

303.1 PURPOSE AND SCOPE

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

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

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

303.2 POLICY

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

303.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

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

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

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

303.3.1 HANDGUNS

The authorized department-issued handgun is the Glock Model 19 9mm.

303.3.2 PERSONALLY OWNED DUTY FIREARMS

Officers are not authorized to carry personally owned firearms in the performance of their duties.

Officers may not possess or access personal weapons while on duty, upon County property, or within County vehicles.

303.3.3 AUTHORIZED SECONDARY HANDGUN

Officers are not authorized to carry a secondary firearm in the performance of their duties.

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303.3.4 AUTHORIZED OFF-DUTY FIREARMS

Peace officers defined under Penal Code Section 830.5 are exempt from Penal Code Section 25400 restrictions and may carry their personally-owned weapons in accordance with those sections and other applicable laws (72 Ops. Cal. Atty. Gen. 167).

It is the position of Tulare County and the Chief Probation Officer that the decision to carry a concealed weapon off-duty is solely that of the officer and is done without authority or approval of the County. The County of Tulare will provide neither a legal defense nor indemnification for any claim arising from such off-duty use. The County will not assume responsibility for training officers who wish to carry a concealed weapon off-duty, nor will it allow officers to use any department equipment, including firearms and ammunition, nor include said officers in department training or qualification shoots. The responsibility for maintaining eligibility pursuant to Penal Code § 832 for the carry of a concealed weapon in an off-duty capacity is the responsibility of the individual officer.

Officers authorized by the department to be armed on-duty may carry their equipment including firearms and ammunition off-duty when the officer has been authorized by the Chief Probation Officer to carry the firearm because of threat to their life, is traveling to-and-from a duty assignment, an authorized training program or a public or private range to practice. In addition, the officer may carry their firearm while en-route to and from work. If the officer, between home and office, stops for personal business, the firearm will be stored in their vehicle

303.3.5 AMMUNITION

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

303.4 EQUIPMENT

Firearms shall be maintained in a clean, serviceable condition.

303.4.1 REPAIRS OR MODIFICATIONS

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

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

303.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

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303.4.3 TACTICAL LIGHTS

Department issued tactical lights may only be installed on a firearm after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

303.5 SAFE HANDLING, INSPECTION, AND STORAGE

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

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

(c) Members shall not load, or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into a custodial facility when securing or processing an arrestee, but shall instead place all firearms in a secured location.

(e) Members shall not use any automatic firearm, heavy caliber rifle, gas, or other type of chemical weapon or firearm except with approval of a supervisor.

(f) Any firearm authorized by the Department that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

303.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. All firearms shall be pointed in a safe direction or into clearing barrels.

Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster.

303.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so.

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Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

303.5.3 STORAGE IN VEHICLES

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

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

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

Firearms shall not be stored in vehicles overnight or during non-working hours.

303.5.4 ALCOHOL AND DRUGS

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

303.5.5 STORAGE AT THE OFFICE

During working hours, the firearm shall either be carried by the officer, or the firearm and ammunition shall be stored in a locked cabinet or desk drawer, that can be separately locked, in the officer's office. Firearms and ammunition shall not be stored in the office overnight.

303.6 FIREARMS TRAINING AND QUALIFICATIONS

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

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

303.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status, or scheduling conflict, the rangemaster shall submit a memorandum to the immediate supervisor prior to the end of the required training or qualification period.

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

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

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(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for:

1. Unauthorized range make-up.
2. Failure to meet minimum standards or qualify after remedial training.

Members who repeatedly fail to meet minimum standards may be removed from field assignment and may be subject to disciplinary action.

303.7 FIREARMS DISCHARGE

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

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

(a) If on-duty at the time of the incident, the member shall file a written report with the Division Manager or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

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

303.7.1 DESTRUCTION OF ANIMALS

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

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

303.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Manager after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

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

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued firearm unfit for service.

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

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

303.9 FLYING WHILE ARMED

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

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

(b) Officers must carry their Tulare County Probation Department identification card, bearing the officer’s name, a full-face photograph, identification number, the officer's signature, and the signature of the Chief Probation Officer or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver’s license, passport).

(c) The Tulare County Probation Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer’s travel. If approved, TSA will send the Tulare County Probation Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Chief Probation Officer authorizing armed travel may also accompany the officer. The letter should outline the officer’s need to fly armed, detail the itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

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(f) It is the officer’s responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier’s check-in counter.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of the officer's assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on the officer's person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative, or other management representative of the air carrier.

(j) Officers shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

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Handcuffing and Restraints

304.1 PURPOSE AND SCOPE

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

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

304.2 POLICY

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

304.3 USE OF RESTRAINTS

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

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

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

304.3.1 RESTRAINT OF DETAINEES

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

304.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure herself or others, or damage property.

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

304.3.3 RESTRAINT OF JUVENILES

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

304.3.4 NOTIFICATIONS

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

304.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

304.4.1 REMOVAL OF HANDCUFFS AND PLASTIC CUFFS

Handcuffs shall be removed in accordance with use of force training.

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.

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304.5 APPLICATION OF SPIT HOODS

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

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

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

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

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

304.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

304.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.

(b) Whether it is reasonably necessary to protect the person from the person's own actions (e.g., running away from the arresting officer while handcuffed, kicking at objects or officers).

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

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304.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be laid face-down for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain prone in a face-down position.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

304.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints in the Probation case management system or as directed by a supervisor.

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

(a) How handcuffs were applied (e.g., double locked and checked for tightness).

(b) The amount of time the person was restrained.

(c) How the person was transported and the position of the person during transport.

(d) Observations of the person's behavior and any signs of physiological problems.

(e) Any known or suspected drug use or other medical problems.

(f) Any complaint regarding restraints being too tight and how the complaint was resolved.

304.9 TRAINING

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

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

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(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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Control Devices

305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

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

305.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

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

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

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

305.4 RESPONSIBILITIES

305.4.1 RANGEMASTER RESPONSIBILITIES

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

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

305.4.2 USER RESPONSIBILITIES

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

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

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305.5 OLEORESIN CAPSICUM GUIDELINES

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

As it is considered a use of force, chemical agents shall be restricted to circumstances authorized by law and only to the level necessary to accomplish a lawful probation task in accordance with established policies. Officers carrying OC spray shall carry the device in its holster. Officers designated to carry OC spray shall be trained and certified in its use pursuant to Standards and Training for Corrections (STC).

305.5.1 TREATMENT FOR EXPOSURE

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

305.5.2 DANGEROUS ANIMALS

OC spray may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

305.6 POST-APPLICATION NOTICE

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

305.7 TRAINING FOR CONTROL DEVICES

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

(a) Proficiency training shall be monitored and documented by a certified control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the member's training file.

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

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305.8 REPORTING USE OF CONTROL DEVICES

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

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Conducted Energy Device

306.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

306.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

306.3 ISSUANCE AND CARRYING CEDS

Only members who have been authorized by the Chief Probation Officer and who have successfully completed department-approved training may be issued and may carry the CED.

The Rangemaster should keep a log of issued CEDs and the serial numbers of cartridges/ magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturers' expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

Officers who carry the CED while in uniform shall carry it in a cross-draw holster on the side opposite the duty weapon (Penal Code § 13660).Officers should operate the CED with their dominant hand.

(a) All CEDs shall be clearly distinguishable to differentiate them from a duty weapon and any other device.

(b) Whenever practicable, officer should carry two or more cartridges on their person when carrying the CED.

(c) Officers should not hold a firearm and the CED at the same time.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

306.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Rangemaster for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

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306.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser, in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CED in the related report.

306.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

306.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

(a) Is violent or is physically resisting.

(b) Has demonstrated by words or action an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themself, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CED to apprehend or control an individual.

The CED shall not be used to psychologically torment, elicit statements, or punish any individual.

306.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious children.

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(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe mode to complete the circuit or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

306.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

306.5.4 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

(c) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(d) Whether verbal commands or other options or tactics may be more effective.

306.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged in compliance with the Use of Force Policy. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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306.5.6 DANGEROUS ANIMALS
The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

306.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department CEDs while off-duty.

Officers shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

306.6 DOCUMENTATION

Officers shall document all CED discharges in the related report in compliance with the Use of Force Policy and in the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

306.6.1 CED REPORT FORM
As applicable based on the device type, items that shall be included in the CED report form are:

(a) The brand, model, and serial number of the CED and any cartridge/magazine.

(b) Date, time, and location of the incident.

(c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.

(d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the CED was used.

(f) The type of mode used (e.g., probe deployment, drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

The Training Manager should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Manager should also conduct audits of CED data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

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306.6.2 REPORTS
The officer should include the following in their report:

(a) Identification of all personnel firing CEDs

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication, or other medical problems

306.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The CED probes are lodged in a sensitive area (e.g., groin, area of the heart, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

306.8 SAFE HANDLING OF THE TASER

The intent of this policy is to promote proper TASER device safety on and off duty. Officers shall maintain the highest level of safety when handling the TASER device.

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306.8.1 SAFETY CONSIDERATIONS

Officers shall consider the following:

(a) Officers shall not unnecessarily display or handle any TASER device.

(b) Any officer who discharges their TASER device accidentally or intentionally, on or off duty, shall brief their supervisor immediately and complete an incident report as soon as circumstances permit.

(c) Any TASER device issued by the department to be carried on duty that is found by the officer to be malfunctioning or needing service shall not be carried and shall be promptly presented to the department for inspection. Any weapon determined to be in need of service or repair during an inspection by the department, will be immediately removed from service.

306.8.2 STORAGE AT HOME

Officers shall ensure that the TASER device is locked and secured while in their homes in a manner that will keep them inaccessessible to children and irresponsible adults.

Officers shall be aware that negligent storage of the TASER device could result in disciplinary action.

306.8.3 STORAGE IN VEHICLES

When leaving a TASER device in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle.

If the vehicle does not have a trunk or locked container, the TASER device should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device.

Officers are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties.

The TASER device shall not be stored in vehicles overnight or during non-working hours.

306.8.4 STORAGE AT THE OFFICE

During working hours, the TASER device shall either be carried by the officer, or shall be stored in a locked cabinet or desk drawer, that can be separately locked, in the officer's office. The TASER device shall not be stored in the office overnight.

306.9 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Rangemaster and saved with the

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related incident report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

306.10 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Manager. All training and proficiency for CEDs will be documented in the officer's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Manager is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Manager should include the following training:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.

(e) Scenario-based training, including virtual reality training when available.

(f) Handcuffing a subject during the application of the CED and transitioning to other force options.

(g) De-escalation techniques.

(h) Restraint techniques that do not impair respiration following the application of the CED.

(i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.

(j) Proper tactics and techniques related to multiple applications of CEDs.

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Search and Seizure

307.1 PURPOSE AND SCOPE

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

307.2 POLICY

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

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

307.3 SEARCHES GENERALLY

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

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

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

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

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

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

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307.4 SEARCH PROTOCOL

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

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations, or access codes when a search of locked property is anticipated.

(e) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

(f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, these guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing, or clothing that could not reasonably conceal a weapon.

307.5 DOCUMENTATION

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

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

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

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Mandatory Reporting

308.1 PURPOSE AND SCOPE

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

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

308.2 POLICY

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

308.3 CHILD ABUSE

308.3.1 NOTIFICATION

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

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

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

(a) A report of general neglect by a person who has the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision, and where there is no physical injury to the child.

(b) A report of a positive toxicology screen at the time of the delivery of an infant, unless there is an indication of maternal substance abuse.

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

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

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

308.3.2 NOTIFICATION PROCEDURE

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

(a) When the member is making an initial notification:

1. Notification shall be made immediately, or as soon as practicable, by telephone.
2. A written follow-up mandated report shall be forwarded by fax or electronic transmission within 36 hours of receiving the information concerning the incident.

(b) When the Tulare County Probation Department is making notification:

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

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

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

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308.3.3 EMERGENCY REMOVAL

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

(a) Is in immediate need of medical care.

(b) Is in immediate danger of physical or sexual abuse.

(c) Is in a physical environment that poses an immediate threat to the minor's health or safety.

(d) Is left unattended, posing an immediate threat to the minor's health or safety.

1. Officers shall attempt to contact the parent or guardian to take custody of the unattended child.

2. If contact with the parent or guardian of the unattended minor cannot be made, the County Welfare Office shall be contacted to assume custody of the minor.

(e) Is in the hospital and release to the parent poses an immediate threat to the minor's health or safety.

(f) Is a dependent of the juvenile court and the officer reasonably believes that the juvenile has violated an order of the court.

(g) Has left any placement ordered by the juvenile court.

(h) Requires medical or other care after having been found suffering from injury or sickness in a public place.

308.4 ELDER AND ADULT DEPENDENT ABUSE

308.4.1 NOTIFICATION

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

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

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

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

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

308.4.2 NOTIFICATION PROCEDURE

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

(a) Notification shall be made immediately, or as soon as practicable, by telephone, fax, or electronic transmission.

(b) A written report shall be forwarded within two working days.

308.5 DOCUMENTATION

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

308.6 CONFIDENTIALITY OF REPORTS

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

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Discriminatory Harassment

309.1 PURPOSE AND SCOPE

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

309.2 POLICY

The Tulare County Probation Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline. The Tulare County Probation Department shall adhere to Tulare County Personnel Rule 14.

309.3 RESPONSIBILITIES

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

309.3.1 QUESTIONS OR CLARIFICATION

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

309.3.2 SUPERVISOR RESPONSIBILITIES

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

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

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(e) Notifying the Chief Probation Officer or the Human Resources Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

309.4 REQUIRED POSTERS

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

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Victim and Witness Assistance

310.1 PURPOSE AND SCOPE

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

310.2 POLICY

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

310.3 RESPONSIBILITIES

Member responsibilities include the following:

(a) Members preparing a pre-sentence/social study investigation are expected to include available information regarding the impact of the offense on the victim and the victim's family and any sentencing/disposition recommendations from the victim as required by California Constitution Article I § 28.

(b) Officers who supervise a probationer requesting a transfer to another county shall provide written notice of the date, time, and place set for hearing on the motion to the victim, if a victim exists (Cal. Rules of Court, Rule 4.530).

(c) Members should follow county protocol as applicable regarding notice to witnesses who were threatened by the offender following the offender's arrest and each victim or next of kin of the victim of a violent offense of their right to request and receive a release notification (Penal Code § 679.03).

(d) Officers should provide victims, or the parents or guardians of the victim if the victim is a minor, or the next of kin of the victim if the victim has died written material containing their rights pursuant to Penal Code § 1191.1 and Penal Code § 1191.2.

(e) Members will notify a victim of domestic violence or abuse, or a victim of stalking of the offender's current community of residence or proposed community of residence when the offender is being placed on or being released on probation when the victim has requested notification and provided the department with a current address for notification (Penal Code § 679.06).

310.4 VICTIM SAFETY

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

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

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310.5 VICTIM INFORMATION

Victim information materials should include:

(a) Shelters and other community resources for victims, including domestic violence and sexual assault victims.

(b) An advisement that a person who was arrested may be released on bond, probation, or other forms of release and that the victim should not rely upon such status or supervision as a guarantee of safety.

(c) Information regarding available compensation for qualifying victims of crime.

(d) Resources available for victims of identity theft.

(e) Victims' rights provided in Penal Code § 1191.1 and Penal Code § 1191.2, including:

1. Their right to attend all sentencing or disposition proceedings.
2. Adequate notice of all sentencing or disposition proceedings.
3. Information concerning the victim's right to civil recovery against the offender.
4. The requirement that the court order restitution for the victim.
5. The victim's right to receive a copy of the restitution order from the court and to enforce the restitution order as a civil judgment.
6. The victim's responsibility to furnish the probation department, district attorney, and court with information relevant to any losses.
7. The victim's opportunity to be compensated from the Restitution Fund if eligible. This information shall be in the form of written material prepared by the Judicial Council in consultation with the California Victim Compensation Board, shall include the relevant sections of the Penal Code, and shall be provided to each victim for whom the probation officer has a current mailing address.

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Information Technology Use

311.1 PURPOSE AND SCOPE

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

311.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

311.2 POLICY

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

311.3 PRIVACY EXPECTATION

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

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

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

311.4 RESTRICTED USE

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

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

311.4.1 SOFTWARE

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

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

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

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

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

311.4.2 HARDWARE

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

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311.4.3 INTERNET USE

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

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

311.4.4 OFF-DUTY USE

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

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

311.5 PROTECTION OF SYSTEMS AND FILES

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

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

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

311.6 INSPECTION AND REVIEW

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

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

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

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

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Department Use of Social Media

312.1 PURPOSE AND SCOPE

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

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

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

312.1.1 DEFINITIONS

Definitions related to this policy include:

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

312.2 POLICY

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

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

312.3 AUTHORIZED USERS

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

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

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

312.4 AUTHORIZED CONTENT

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

Examples of appropriate content include:

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(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.

(f) Traffic information.

(g) Media releases.

(h) Recruitment of personnel.

312.4.1 INCIDENT-SPECIFIC USE

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

312.5 PROHIBITED CONTENT

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

(a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.

(c) Any information that could compromise an investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the Tulare County Probation Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, probationer, or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

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

312.5.1 PUBLIC POSTING PROHIBITED

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

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

312.6 MONITORING CONTENT

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

312.7 RETENTION OF RECORDS

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

312.8 TRAINING

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

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Report Preparation

313.1 PURPOSE AND SCOPE

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

313.2 POLICY

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

313.3 EXPEDITIOUS REPORTING

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

313.4 REPORT PREPARATION

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

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

313.4.1 NOTATION OF INFORMATION RECEIVED FROM THIRD PARTIES

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

313.5 ADULT REQUIRED REPORTING

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

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

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313.5.1 REPORTS TO THE COURT

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

(a) A pretrial diversion report, if requested by the court, as to the suitability of a person for pretrial diversion (Penal Code § 1000.1(5)(b)).

(b) A presentence report for adult probationers upon referral of a felony conviction from the court (Penal Code § 1203).

(c) A conduct and worktime credit estimate to be filed with the court at the time of sentencing (Penal Code § 1191.3).

(d) A domestic violence report if a probationer has been granted probation for a violation of the domestic violence code (Penal Code § 1203.097(b)).

1. The report should include recommendations of an appropriate batterer's program for the probationer.

313.5.2 VIOLATION CONDUCT

When a member becomes aware of any activity where a crime or violation of probation or supervised release has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

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

(a) All arrests.

(b) All felony crimes.

(c) Non-felony criminal incidents involving threats or stalking behavior.

(d) Situations covered by the Use of Force Policy.

(e) All misdemeanor crimes where the victim desires a report.

(f) All violations of probation or supervised release.

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved caseload management system.

313.5.3 NON-CRIMINAL ACTIVITY AND NON-VIOLATION CONDUCT

Reports of non-criminal activity to be documented include, but not limited to:

(a) Any found property or found evidence.

(b) All protective custody and welfare detentions.

(c) Any time a person is reported missing, regardless of jurisdiction.

(d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(e) Suspicious incidents that may place the public or others at risk.

(f) Any use of force by members of this department against any person (see the Use of Force Policy).

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(g) Any firearm discharge (see the Firearms Policy).

(h) Any time a member points a firearm at any person.

(i) Any traffic accidents, involving department vehicles or members involved in County business, above the minimum reporting level (see the Vehicle Use, Safety, and Maintenance Policy).

(j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

313.5.4 MISCELLANEOUS INJURIES

Any injury reported to this department shall require documentation in the case management system :

(a) The injury is the result of drug overdose.

(b) There is an attempted suicide.

(c) The injury is major or serious and potentially fatal.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.

(e) The injury is to a person in a member's custody or care.

313.6 JUVENILE REPORTING

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

313.6.1 SOCIAL STUDY REPORT

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

(a) At least 10 days before a permanency hearing held pursuant to Welfare and Institutions Code § 727.3.

(b) At least 10 days before a placement review hearing held pursuant to Welfare and Institutions Code § 727.2.

(c) After any hearing during which the court has ordered a minor into the supervision of the officer for placement (Welfare and Institutions Code § 727).

313.6.2 ADDITIONAL REPORTS

Officers should also:

(a) Prepare and file periodic reports and special reports, as appropriate, with the Department of Youth and Community Restoration pursuant to the requirements of, and on forms provided by, the Department of Youth and Community Restoration (Welfare and Institutions Code § 284).

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(b) Make periodic reports to the Attorney General pursuant to the requirements of the Attorney General (Welfare and Institutions Code § 285).

(c) Prepare and file with the court written reports and recommendations as requested by the court with regard to custody, status, or welfare of a minor. Reports shall be prepared consistent with the requirements of Welfare and Institutions Code § 281.

313.7 COUNTY PERSONNEL OR PROPERTY

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

(a) An injury occurs as the result of an act of a County employee or on County property.

(b) There is damage to County property or equipment.

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Media Relations

314.1 PURPOSE AND SCOPE

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

314.2 POLICY

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

314.3 RESPONSIBILITIES

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

314.4 PROVIDING ADVANCE INFORMATION

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

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

314.5 MEDIA REQUESTS

Any media request for information or access to department members shall be referred to the Chief Probation Officer, or authorized designee. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from the Chief Probation Officer or authorized designee.

(b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment to the media regarding any probation incident not involving this department without

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

314.6 CONFIDENTIAL OR RESTRICTED INFORMATION

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

314.7 RELEASE OF INFORMATION

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

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Outside Agency Assistance

315.1 PURPOSE AND SCOPE

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

315.2 POLICY

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

315.3 ASSISTING OUTSIDE AGENCIES

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

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

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

315.4 REPORTING REQUIREMENTS

Incidents of outside assistance shall be documented in a general case report or as directed by the officer's Supervising Probation Officer.

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Major Incident Notification

316.1 PURPOSE AND SCOPE

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

316.2 POLICY

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

316.3 CRITERIA FOR NOTIFICATION

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

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

316.4 DIVISION MANAGER RESPONSIBILITIES

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

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316.4.1 CHIEF PROBATION OFFICER NOTIFICATION

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

316.4.2 INVESTIGATOR NOTIFICATION

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

316.4.3 MEDIA RELATIONS

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

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Limited English Proficiency Services

317.1 PURPOSE AND SCOPE

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

317.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

Qualified bilingual member - A member of the Tulare County Probation Department, designated by the Department, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

317.2 POLICY

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

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

317.3 TYPES OF LEP ASSISTANCE AVAILABLE

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

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

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

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

317.4 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The department will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

317.5 QUALIFIED BILINGUAL MEMBERS

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

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

317.6 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the department that demonstrates their skills and abilities.

317.6.1 SOURCES OF AUTHORIZED INTERPRETERS

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

Other sources may include:

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- Qualified bilingual members of this department or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

317.7 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

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

317.8 FIELD SUPERVISION

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

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

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

317.9 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for revocation of probation or supervised release, or arrest, or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses, and suspects. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

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Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

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

317.10 COMPLAINTS

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

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

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

317.11 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional probation duties. This department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

317.12 TRAINING

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

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

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Communications with Persons with Disabilities

318.1 PURPOSE AND SCOPE

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

318.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

318.2 POLICY

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

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

318.3 FACTORS TO CONSIDER

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

(a) Members should not always assume that effective communication is being achieved. That an individual appears to be nodding in agreement does not always mean the individual completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate understanding.

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(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the probation contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

318.4 INITIAL AND IMMEDIATE CONSIDERATIONS

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

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

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

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

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

(a) The methods of communication usually used by the individual.

(b) The nature, length, and complexity of the involved communication.

(c) The context of the communication.

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

If an individual who is deaf, is hard of hearing, or has impaired speech must be handcuffed while in the custody of the Tulare County Probation Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

318.5 TYPES OF ASSISTANCE AVAILABLE

Tulare County Probation Department members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Department will not charge anyone

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to receive auxiliary aids, nor shall it require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to disabled individuals through a variety of services.

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

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

318.6 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, clients) if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to probation matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

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

318.7 FIELD SUPERVISION

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

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

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

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

318.7.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, is hard of hearing, or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device, or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

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

318.8 ARRESTS AND BOOKINGS

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

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

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

318.9 COMPLAINTS

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

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

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Biological Samples

319.1 PURPOSE AND SCOPE

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

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

319.2 POLICY

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

319.3 INDIVIDUALS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

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

(a) Adults and juveniles subject to probation/supervised release supervision

(b) Individuals subject to post-release community supervision

(c) Individuals subject to mandatory supervision pursuant to Penal Code § 1170(h)(5)

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

319.4 PROCEDURE

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

(a) Verify the individual is required to provide a sample pursuant to California law.

1. Verification includes querying the individual’s criminal history record for a DNA collection flag or, during regular business hours, contacting the California Department of Justice (DOJ) designated laboratory to determine whether a biological sample has previously been collected from the individual. There is no need to obtain a sample if one has been previously obtained.

(b) Notify the individual of the time and location to appear to submit a sample.

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1. The date to appear shall be, when practicable, within five days of notification to the individual of the requirement to submit a sample (Penal Code § 296.1).
2. Collections from an individual accepted for supervision from another jurisdiction shall occur at a county jail facility located in the county where the person resides (Penal Code § 296.1).
3. All other collections may occur at a county jail facility or at any other city, state, local, or private facility designated by the California DOJ for the collection of a sample (Penal Code § 296.1).

(c) Provide or use the collection kit designated by the California DOJ for the collection of the sample.

(d) Provide for a witness to be present at the collection of the sample.

(e) Document in the individual's file that the sample was taken.

(f) Forward the sample to the California DOJ as soon as practicable.

319.5 USE OF FORCE TO OBTAIN SAMPLES

If a probationer refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to the use of force. Force will not be used in the collection of samples except as authorized by court order.

Methods to consider when seeking voluntary compliance include:

(a) Communicating the possible consequences of a refusal.

(b) Contacting the District Attorney to seek additional charges against the individual for failure to comply pursuant to Penal Code § 298.1 or bring the refusal before the appropriate court.

(c) Notifying the court at the probationer's next court appearance, if any.

(d) Contacting the probationer's attorney, if known.

(e) Filing a violation report pursuant to the Violations Policy.

A Supervising Probation Officer or Division Manager shall review and approve any plan to use additional actions to compel a sample. Both the supervising officer and the Supervising Probation Officer should document the probationer's refusal to submit a sample and the steps taken in any attempt to obtain voluntary compliance.

319.5.1 USE OF FORCE DOCUMENTATION

A Supervising Probation Officer shall prepare prior written authorization for the use of any force (Penal Code § 298.1). The written authorization shall include information that the individual was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

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319.5.2 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all persons participating in the process, in addition to the methods and all force used during the collection. The recording should be retained in accordance with the established records retention schedule.

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Child and Dependent Adult Safety

320.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

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

320.2 POLICY

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

320.3 PROCEDURES DURING AN ARREST

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

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider asking witnesses, neighbors, friends, and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

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

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

320.3.1 AFTER AN ARREST

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

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

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Officers should consider allowing the person to use the person's cell phone to facilitate arrangements through access to contact phone numbers,and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence that it would not be in the dependent person's best interest (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends who the person knows and trusts because familiarity with surroundings and consideration for comfort, emotional state, and safety are important.

    1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian, or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Welfare Services or the Adult Protective Services, if appropriate.

(e) Notify the Supervising Probation Officer or Division Manager of the disposition of children or dependent adults.

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

320.3.2 REPORTING TO CHILD WELFARE SERVICES OR ADULT PROTECTIVE SERVICES

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

    1. Name
    2. Sex
    3. Age
    4. Special needs(e.g.,medical,mental health)
    5. How, where, and with whom or which agency the child was placed

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6. Identities and contact information for other potential caregivers
7. Notifications made to other adults(e.g.,schools,relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether the person reasonably appears able to engage in self-care
5. Disposition or placement information if the person is unable to engage in self-care

320.3.3 SUPPORT AND COUNSELING REFERRAL

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

320.3.4 SELF-SURRENDER

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

320.4 DEPENDENT WELFARE SERVICES

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

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

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

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Service Animals

321.1 PURPOSE AND SCOPE

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

321.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

321.2 POLICY

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

321.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

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

Service animals may be used in a number of ways to provide assistance, including:

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

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

321.4 MEMBER RESPONSIBILITIES

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

321.4.1 INQUIRY

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

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

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

321.4.2 CONTACT

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

321.4.3 REMOVAL

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

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services that are reasonably available to an individual with a disability, with or without a service animal.

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Volunteers and Student Internships

322.1 PURPOSE AND SCOPE

This policy establishes guidelines for using Tulare County Probation Department volunteers, including student interns, to supplement and assist department personnel in their duties. Trained volunteers and/or student interns are members who can augment department personnel and help complete various tasks.

322.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

322.2 POLICY

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

322.3 ELIGIBILITY

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

(a) Being at least 18 years of age.

(b) Possession of a valid driver's license if the position requires operating a vehicle.

(c) Possession of liability insurance for any personally owned equipment, vehicles, or animals utilized during volunteer or student intern work.

(d) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.

(e) No conviction of a misdemeanor or crime within the past 10 years, excluding traffic offenses.

(f) No mental illness or chemical dependency condition that may adversely affect the person's ability to serve in the position.

(g) Ability to meet physical requirements reasonably appropriate to the assignment.

(h) A personal background and character suitable for a person representing the Department, as validated by a background investigation.

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

322.4 RECRUITMENT, SELECTION, AND APPOINTMENT

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

322.4.1 RECRUITMENT

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

Requests for volunteers and student interns should be submitted in writing by interested department members to the volunteer coordinator or student intern coordinator through the requester's immediate supervisor. A complete description of the duties and a requested time frame should be included in the request. All department members should understand that the recruitment of volunteers and student interns is enhanced by creative and interesting assignments. The volunteer coordinator or student intern coordinator may withhold assignment of any volunteers or student interns until the requester is prepared to make effective use of them.

322.4.2 SELECTION

Volunteer and student intern candidates shall successfully complete the following process before appointment:

(a) Submit the appropriate written application.

(b) Interview with the volunteer coordinator or student intern coordinator.

(c) Successfully complete an appropriate-level background investigation.

322.4.3 APPOINTMENT

Service as a volunteer or student intern with the Department shall begin with an official notice of acceptance or appointment by the Chief Probation Officer or the authorized designee. Notice may only be given by an authorized representative of the Department, who will normally be the volunteer coordinator or student intern coordinator.

No volunteer or student intern should begin any assignment until the individual has been officially accepted for that position and has completed all required screening and paperwork.

At the time of final acceptance, each volunteer and student intern should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the Department.

All volunteers and student interns shall receive a copy of the orientation materials and shall be required to sign a volunteer or student intern agreement. Volunteers and student interns should

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be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the Department.

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

322.5 IDENTIFICATION

As representatives of the Department, volunteers and student interns are responsible for presenting a professional image to the community. Volunteers and student interns shall dress appropriately for the conditions and performance of their duties. Necessary safety equipment will be provided. Identification symbols worn by volunteers and student interns shall be different and distinct from those worn by officers or other members of this department.

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

322.6 PERSONNEL WORKING AS VOLUNTEERS

Qualified regular department personnel, when authorized, may also serve as volunteers. However, this department shall not utilize the services of volunteers in such a way that it would violate employment laws or collective bargaining agreements or memorandums of understanding (e.g., an officer participating as a volunteer for reduced or no pay). Therefore, the program coordinator should consult with the Human Resources and Development before allowing regular department personnel to serve in a volunteer capacity (29 CFR 553.30).

322.7 DUTIES AND RESPONSIBILITIES

Volunteers and student interns assist department personnel as needed. Assignments will usually be to augment the Division, but volunteers and student interns may be assigned to other areas within the Department as needed. Volunteers and student interns should be placed only in assignments or programs consistent with their knowledge, skills, and abilities, and the needs of the Department.

All volunteers and student interns will be assigned to duties by the program coordinator or the authorized designee.

322.7.1 COMPLIANCE

Volunteers and student interns shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each volunteer and student intern upon appointment.

Volunteers and student interns shall become thoroughly familiar with these policies and procedures.

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

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Volunteers and student interns are required by this department to meet department-approved training requirements as applicable to their assignments.

322.8 TASK-SPECIFIC TRAINING

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

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

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

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

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

322.9 SUPERVISION

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

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

(a) Take the time to introduce volunteers and student interns to members on all levels.

(b) Ensure volunteers and student interns have workspace and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give volunteers and student interns assignments or tasks that will utilize these valuable resources.

A volunteer or student intern may be assigned as a supervisor of other volunteers or student interns, provided that the supervisor is under the direct supervision of a member of the Tulare County Probation Department.

322.9.1 FITNESS FOR DUTY

No volunteers or student interns shall report for work or be at work when their judgment or physical condition has been impaired due to illness or injury, or by alcohol or drugs, whether legal or illegal.

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

(a) Driver's license.

(b) Medical condition.

(c) Arrests.

(d) Criminal investigations.

(e) All law enforcement contacts.

322.10 INFORMATION ACCESS

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

A volunteer or student intern whose assignment requires the use of, or access to, confidential information will be required to submit fingerprints to the Criminal Information Index (CII) to obtain clearance. Volunteers or student interns working this type of assignment will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information verbally, in writing, or by any other means by a volunteer or a student intern is grounds for immediate dismissal and possible criminal prosecution.

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

322.11 EQUIPMENT

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

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Community Relations

323.1 PURPOSE AND SCOPE

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

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

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

323.2 POLICY

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

323.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships.

(b) Become reasonably familiar with the schools, businesses, community treatment programs, service providers, and faith-based organizations in their supervision areas.

(c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic field contacts to facilitate interaction with community members. Officers carrying out field contacts should notify an appropriate supervisor or authorized designee of their status (i.e., on field supervision) and location before beginning and upon completion of field supervision.

323.4 COMMUNITY RELATIONS COORDINATOR

The Chief Probation Officer or the authorized designee should designate a member of the Department to serve as the community relations coordinator. The coordinator should report directly to the Chief Probation Officer or authorized designee and is responsible for:

(a) Obtaining department-approved training related to coordinator responsibilities.

(b) Working with community groups, department members, and other community resources to:

1. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

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(c) Working with the Administration Division Manager to develop field activities that allow officers the time to participate in community engagement activities.

(d) Recognizing department and community members for exceptional work or performance in community relations efforts.

(e) Informing the Chief Probation Officer and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

323.5 INFORMATION SHARING

The community relations coordinator should work with the Chief Probation Officer or authorized designee to develop methods and procedures for the convenient sharing of information (e.g., significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the Department Use of Social Media Policy).

(c) Department website postings.

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

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Chapter 4 - Intake, Orientation, and Supervision

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Initial Intake to Probation Services

400.1 PURPOSE AND SCOPE

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

400.2 POLICY

The Tulare County Probation Department will engage in an initial process in an effort to facilitate fair and appropriate supervision of probationers.

400.3 ADULT INTAKE TO SUPERVISION

The Chief Probation Officer or the authorized designee should develop and maintain a standard intake program with appropriate forms and checklists to assist officers in their supervision of assigned probationers.

The intake program should include but is not limited to:

(a) Performing an intake interview or interviews:

1. The intake interview should be completed within 72 hours, or earlier if required by a court order, after the probationer's release from custody or initial report to the Tulare County Probation Department.

(b) Documenting relevant information about the probationer, such as:

1. Personal information including name, address, and contact information
2. Current employment and relevant employment history
3. Family information
4. Criminal history
5. Any substance abuse, mental health, and treatment information
6. Potential safety issues for officers and staff (e.g., weapons, dangerous animals within the home, family members who may present a threat)

(c) Completing any appropriate and/or mandated risk and needs assessment(s) and scheduling appropriate review with the probationer as set forth in the Risk and Needs Assessments Policy.

(d) Providing the probationer with an overview of what to expect while being supervised and any of the following as applicable:

1. An orientation handbook or other applicable orientation materials
2. A copy of court-ordered conditions of supervision
3. Applicable resources regarding any court-ordered programs, community referrals, or other resources pertaining to the conditions of probation
4. Explanations of any financial obligations (e.g., court-ordered restitution, fines, fees)

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5. Applicable registration requirements (e.g., gang (Penal Code § 186.31), arson (Penal Code § 457.1), sex offenders (Penal Code § 290.017; Penal Code § 290.85))
6. Documenting probationer receipt of orientation and other materials

400.4 JUVENILE INTAKE TO SERVICES

400.4.1 JUVENILE INTAKE OFFICERS

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

400.4.2 OUT-OF-CUSTODY JUVENILE INTAKE

The Chief Probation Officer or the authorized designee should develop and maintain a standard intake program with appropriate forms and checklists to assist juvenile intake officers with the intake for services of juveniles who are currently out of custody.

The intake program should include but is not limited to:

(a) Performing an intake interview, including an interview with the juvenile and parent/s to determine next steps

(b) Documenting relevant information about the juvenile including but not limited to:
   1. Verifying personal information including name, address, and contact information
   2. Current employment and relevant employment history, if applicable
   3. Family information, including siblings and parental custody situation
   4. Delinquent history information
   5. Child welfare history, including any allegations of abuse or neglect and outcomes of these allegations
   6. School information, including grades and attendance
   7. Any substance abuse, mental health, and treatment information
   8. Potential safety issues for officers and staff (e.g., weapons, dangerous animals within the home, family members who may present a threat)
   9. Completing any appropriate and/or mandated risk and needs assessment(s) as set forth in the Risk and Needs Assessments Policy
   10. Documenting the juvenile's receipt of orientation and other materials
   11. Any other information that is deemed necessary to ensure an understanding of each juvenile's individual needs

(c) Providing the juvenile with any of the following as applicable:
   1. An orientation handbook or other applicable orientation materials
   2. Applicable resources, including community referrals

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3. Explanations of any financial obligations, such as a victim's request for restitution

400.4.3 IN-CUSTODY JUVENILE INTAKE

The Chief Probation Officer or the authorized designee should develop and maintain a standard intake program with appropriate forms and checklists to assist juvenile intake officers with the intake for services of juveniles who are currently in custody.

This intake program should include intake procedures for juveniles who are out of custody, along with investigation, and release or placement procedures (Welfare and Institutions Code § 628; Welfare and Institutions Code § 727; Welfare and Institutions Code § 727.05).

In addition to considering the intake program as described in Out-of-Custody Juvenile Intake, officers assessing the status of a juvenile who has been booked into custody should:

(a) Review booking information.

(b) Review pertinent reports from law enforcement.

(c) Consider custodial status and whether custody is appropriate, including whether the juvenile is a dependent minor.

(d) Consider whether filing with the prosecuting attorney is appropriate.

(e) Inquire as to the status of a minor as an Indian child within the meaning of Welfare and Institutions Code § 224.3 and provide notice as required by Welfare and Institution Code § 224.2.

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Risk and Needs Assessments

401.1 PURPOSE AND SCOPE

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

401.2 POLICY

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

401.3 AGENCY RNA SELECTION

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

(a) Identifying and approving any RNA to be used by officers considering state or other jurisdictional requirements.

1. Any/All State-Authorized Risk Assessment Tools used for the evaluation of Sex Offenders (SARATSO) (Penal Code § 290.04).
2. All other RNAs to be used by Department officers.

(b) Creating and maintaining procedures for the administration of RNAs, including but not limited to:

1. Procedures to collect initial and updated information.
2. Reassessments based on probationer life changes or other dynamic risk factors.

(c) Periodically reviewing assessments and results to identify any training or RNA adjustments or improvements.

(d) Working with other agencies and entities, including courts, prosecutors, treatment providers, and other providers, to facilitate coordination and implementation of department-approved RNAs and related procedures.

401.4 OFFICER RESPONSIBILITIES

Officers should not administer or score an RNA before completing department-approved training.

Only department-approved RNAs should be used.

Officers should supplement information collected during the administration of the RNA with information from an official records check, such as a criminal history records check.

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

401.4.1 STATE REQUIREMENTS

Officers should submit SARATSO results to the Department of Justice as provided in Penal Code § 290.09.

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401.5 TRAINING

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

(a) The purpose of the RNA, including the types of offenders for which the RNA was developed.

(b) Information required for administration of the RNA.

(c) How to administer the RNA.

(d) Limitations of the RNA.

(e) The types of decisions that may be made based on data produced by the RNA.

(f) How the RNA calculates risk and needs and what, if any, other assessment information may be provided by the tool (e.g., strengths, responsivity factors).

401.5.1 SEX OFFENDER RISK ASSESSMENT TRAINING REQUIREMENTS

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

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Supervision of Probationers

402.1 PURPOSE AND SCOPE

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

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

402.2 POLICY

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

402.3 RESPONSIBILITIES

The Chief Probation Officer or the authorized designee should:

(a) Establish and maintain procedures to assign probationers to approved levels of supervision.

(b) Establish and maintain procedures for the development and implementation of case management plans.

(c) Establish and maintain procedures to ensure that probationers are provided with guidance identifying appropriate community-based resources required or recommended for the probationer, and with assistance accessing those resources.

1. This should include maintaining a list of resources and services available and approval of necessary additions or substitutions.

(d) Review and approve the level of supervision to which each probationer is assigned.

1. This should include the initial assignment and periodic reviews to determine if adjustments in the level of supervision are appropriate.

(e) Conduct periodic reviews of case management plans to assess the need to adjust a plan for reasons including the probationer's compliance with conditions of supervision, life changes, or other risk factors.

(f) Establish a procedure to ensure that every 10 days updates are made to any supervised release file available to this department on the California Law Enforcement Telecommunications System (CLETS) by entering any probationer placed on post-conviction supervision who is within the jurisdiction and authority of the Tulare County Probation Department. This includes persons on probation, mandatory supervision, and post-release community supervision (Penal Code § 14216).

402.4 LEVELS OF SUPERVISION

Each probationer should be assigned a level and type of supervision (Penal Code § 1202.8).

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402.4.1 ASSIGNMENT TO A LEVEL OF SUPERVISION

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

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

(a) Court-ordered directives related to supervision (Penal Code § 1202.8)

(b) Results and findings of the risk and needs assessment administered pursuant to the Risk and Needs Assessments Policy

(c) Results and findings of other relevant evaluations, including but not limited to mental and physical health evaluations and substance abuse evaluations

(d) Information collected at intake pursuant to the Initial Intake to Probation Services Policy

(e) Nature and severity of the offense requiring supervision

(f) Past criminal history and past performance on probation/parole supervision

(g) Other information relevant to a level and type of supervision determination

402.4.2 LEVELS OF SUPERVISION FOR SEX OFFENDERS

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

Juvenile sex offenders who pose a high risk of committing a sex crime should be considered for assignment to intensive and specialized supervision.

402.5 ESTABLISHMENT OF A CASE MANAGEMENT PLAN

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

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

Officers should review the materials used to develop the case management plan with the probationer, as appropriate.

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

402.5.1 JUVENILE CASE MANAGEMENT PLAN

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

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402.5.2 REVISIONS TO CASE MANAGEMENT PLAN
Officers should conduct routine reviews of the case management plan and adjust when it reasonably appears appropriate, including any time modifications are made to the conditions of release of the probationer. Updates to the case management plan should be approved by a supervisor.

402.6 POST-RELEASE COMMUNITY SUPERVISION FOR ADULTS

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

(a) Obey all laws.

(b) Report to the probation agency within two working days of release from custody.

(c) Follow the directives and instructions of the assigned officer.

(d) Report to the assigned officer as directed.

(e) Be subject, along with the individual's residence, to search at any time of day or night, with or without a warrant by an officer or a peace officer (Penal Code § 3465).

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

402.7 MANDATORY SUPERVISION FOR ADULTS

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

402.8 ADULT HOME DETENTION PROGRAM

If the Department provides for a home detention program, officers supervising an individual on home detention shall confirm (Penal Code § 1203.016; Penal Code § 1203.017):

(a) That the individual is informed in writing of the rules and regulations of the program and the requirement to comply with those rules and regulations during the term of the individual’s home detention.

(b) That the individual remains inside the home during the designated hours.

(c) That the individual permits access to the home by the officer at any time to confirm the individual’s compliance with the conditions of the home detention.

402.9 NOTICE TO PROBATIONER

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

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Officers should also provide probationers with an overview of what the probationer can expect while under the supervision of the Tulare County Probation Department, including:

(a) Reporting and other requirements.

(b) Applicable rules.

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

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

402.9.1 NOTICE TO SEX OFFENDERS OF PROOF OF REGISTRATION DEADLINE

At least six days prior to the deadline, officers supervising probationers required to register as sex offenders under state law shall inform the probationer that the individual is required to provide proof of the individual's registration as a sex offender within six working days of release, and any change to the registration within six working days of the change (Penal Code § 290.85).

402.9.2 NOTICE TO PARTICIPANTS IN HOME DETENTION PROGRAM

Officers shall provide written notice of the rules governing the home detention program to probationers subject to mandatory home detention (Penal Code § 1203.016; Penal Code § 1203.017).

402.9.3 NOTICE OF VOTING RIGHTS

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

402.10 OFFICER ADULT CASE RECORD

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

(a) The history of the probationer's case in court.

(b) The name of the assigned officer.

(c) The acts taken by the officer in connection with the case.

(d) The age, sex, nativity, residence, education, habits of temperance, marital status, conduct, employment, occupation, and the condition of the probationer during the term of probation.

(e) The result of probation.

402.10.1 OFFICER JUVENILE CASE RECORD

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

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402.11 TRAINING

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

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Compliance Monitoring

403.1 PURPOSE AND SCOPE

This policy provides guidelines for monitoring probationers.

This policy applies to all officers within the Tulare County Probation Department who monitor probationers.

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

403.1.1 DEFINITIONS

Definitions related to this policy include:

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

403.2 POLICY

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

403.3 MONITORING PLAN

Officers should establish a monitoring plan for each probationer. The monitoring plan should identify types and frequency of monitoring. Officers should limit monitoring to that which is reasonably necessary to accomplish the intended verification or corroboration.

Officers should consider the following when establishing the monitoring plan:

(a) The terms of the court order

(b) The case management plan

(c) Required or recommended referrals to community-based resources and services

(d) The results of any risk assessment, including the likelihood of the probationer to reoffend

(e) The purpose of the supervision (e.g., address or employment verification, unauthorized travel check, curfew check, suspected criminal associations)

Officers should not implement any specific form of monitoring or surveillance that is not authorized by the probationer's supervision, court, judicial officer, or releasing authority order, state law, or department procedure. Officers should obtain supervisor approval if modification of the court, judicial officer, or releasing authority order or a warrant reasonably appears necessary.

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

403.3.2 ADULT HOME DETENTION REQUIREMENTS
The monitoring plan for adult probationers in a home detention program shall be consistent with any requirements of the home detention program and Penal Code § 1203.016 or Penal Code § 1203.017, as applicable.

403.3.3 ADULT POST-RELEASE COMMUNITY SUPERVISION ACT
The monitoring plan for persons subject to post-release community supervision should be developed in accordance with this policy and any review process established by the County (Penal Code § 3454).

403.4 GUIDELINES FOR MONITORING
When circumstances permit, officers should:

(a) Obtain approval from a supervisor before conducting any monitoring of probationers that is not provided for in the monitoring plan.

(b) Have at least two officers present when conducting high risk contacts, including but not limited to: home contacts, work contacts, curfew checks, or any other type of monitoring occurring in the community.

(c) Obtain prior approval from a supervisor for any monitoring of probationers that requires more than two vehicles.

Officers should not conduct supervisionwith the intent to harass, intimidate, or embarrass.

403.5 OFFICER RESPONSIBILITIES
Officers should document all monitoring conducted and observations made as a result.

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

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

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

(a) Reviewing and approving the monitoring plan developed for each probationer.

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(b) Reallocating resources and/or approving modifications to monitoring plans as appropriate.

1. If available resources are insufficient to meet statutory or court-ordered monitoring duties, the Chief Probation Officer shall provide written notice to the presiding judge of the superior court and the appropriate local government as provided in Penal Code § 1203.74.

(c) Identifying approved monitoring techniques and establishing and maintaining procedures for the use of the techniques. Procedures should include:

1. Identification of when the use of a technique is required or prohibited.
2. Any required safety measures.
3. When a warrant or modification to a court order may be required.

(d) Identifying approved technology, such as digital or video recorders, Global Positioning System (GPS) devices, voice verification/call verification systems, and radio frequency technology. Procedures for approved technology should include:

1. Access control.
2. Oversight.
3. Compliance verification.
4. System audits.

403.7 TECHNOLOGY SYSTEMS

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

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

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

403.7.1 ADULT ELECTRONIC MONITORING

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

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

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

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

(b) Emit a signal as a person is moving or stationary that can be received and tracked across large urban or rural areas, inside or outside of structures, vehicles, or other objects to the greatest degree possible given limitations, size, and cost.

(c) Function 24 hours a day.

(d) Be resistant to unintentional or willful damage.

Electronic monitoring devices shall not be used to record or listen to any conversation, except for a conversation between the probationer and the officer used solely for voice identification (Penal Code § 1210.11).

403.7.2 JUVENILE ELECTRONIC MONITORING

If used to monitor juvenile probationers, the monitoring should be conducted pursuant to the provisions outlined above for adult electronic monitoring.

403.8 SOCIAL MEDIA MONITORING

Using social media or any other internet source to access information for the purpose of monitoring probationers shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members for purposes consistent with the case management plan. Social media monitoring should not be conducted unless it has been incorporated in the monitoring plan of the probationer or otherwise approved by a supervisor.

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

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

403.8.1 ACCESS RESTRICTIONS

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

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias, or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or

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legal restrictions. Any such access and the supervisor's approval shall be documented in the probationer's case file.

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

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

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

403.9 ACCESS RESTRICTIONS

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

403.10 TRAINING

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

(a) Use of approved methods of monitoring.

(b) How and when to use approved technology for monitoring.

(c) Constitutional issues that may arise during monitoring, including any warrant or court order requirements and privacy issues.

(d) When coordination with local law enforcement or other agencies is appropriate.

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Drug and Alcohol Testing

404.1 PURPOSE AND SCOPE

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

404.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

404.2 POLICY

It is the policy of the Tulare County Probation Department to conduct drug and alcohol testing of probationers to determine compliance with any conditions of supervision concerning drug and alcohol use, and when pursuant to other judicial order.

404.3 RESPONSIBILITIES

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

(a) Criteria for identifying probationers subject to random, scheduled, and for cause testing. The criteria should include consideration of:
    1. Conditions of supervision.
    2. Probationer factors such as history, current use, and behavior.
    3. Drug and alcohol assessments.
    4. Risk and needs assessments.
    5. Officer observations.
    6. Third-party information, where confirmed if necessary.

(b) Types of unauthorized substances tested.

(c) Specimen collection and testing procedures, including:
    1. Identification of approved testing locations.
    2. Approved testing methods.
    3. Compliance with the department's exposure control plan and any applicable occupational safety requirements (see the Communicable Diseases policy).

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4. Supervision of the probationer being tested during the collection of a urine specimen by officers of the same sex as the probationer being tested, or of the same sex with which the probationer identifies.
5. Use of approved testing equipment or devices.
6. Collection of all specimens in an area free of agents or adulterants to avoid cross contamination or dilution of specimens.
7. Security procedures to prevent tampering with a specimen.
8. Establishment of methods to verify that the person appearing for testing is the probationer subject to testing.
9. Establishment of processes, including time frames, for a probationer to submit a specimen once a specimen has been requested.

(d) Procedures for documenting the handling of specimens from the point of collection to disposal (chain of custody).

404.3.1 THIRD-PARTY TESTING

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

(a) The time frame in which the provider must notify the supervising officer (e.g., immediately for high-risk offenders).

(b) The type of communication required (e.g., email, phone).

(c) The immediate action taken by the provider in response to the specimen, if any.

(d) Preservation and documentation of the specimen and test results, confirmation testing, or other actions on the part of the provider; and chain of custody for the specimen and results, including any materials used in the collection and analysis of the specimen.

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

404.3.2 NOTIFICATIONS

The supervising officer shall notify the drug treatment facility of a court order requiring drug testing within seven days of receiving the order (Penal Code § 1210.1). A copy of the probationer's treatment progress reports, received from the drug treatment facility, should be provided to the court every 90 days, or as the court directs (Penal Code § 1210.1).

404.4 COLLECTION AND TESTING GENERALLY

Members who have been trained in department procedures for collecting specimens may collect specimens consistent with the probationer’s case management plan, a court order, the random screening protocol, or as otherwise specified in department procedure.

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404.4.1 RESPONSIVE ACTION

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

(a) Confirmation testing is appropriate.

(b) The failure or refusal may be a violation of the conditions of supervision and take further action pursuant to the Violations Policy.

(c) With supervisor approval, modification to the conditions of supervision, including referral for further assessment to determine the need for outpatient or inpatient drug treatment services, would be appropriate and proceed pursuant to the Modification of Conditions of Supervision Policy.

(d) A reassessment would be appropriate as provided in the Risk and Needs Assessments Policy.

(e) Officers may choose to handle a violation of conditions of supervision in an informal manner, in consideration of each probationer's individual needs, as long as the action complies with court mandates.

If a probationer tests positive, admits use, or refuses to provide a sample and the officer reasonably suspects the probationer arrived at the testing location or intends to leave the testing location by operation of a motor vehicle while impaired, the officer should proceed according to the Violations Policy.

404.4.2 CONFIRMATION TESTS

Supervising officers should perform testing of a probationer despite an admission of use.

When a specimen tests positive or is adulterated or diluted, regardless of any admission of use, reasonable efforts should be made to confirm whether the result occurred during the use of an authorized or prescribed medication or is the result of the use of a prohibited substance. This may include:

(a) Administration of additional on-site screening.

(b) Verification of medical prescriptions or medical marijuana identification card if use is approved by the court or conditions of the probationer's supervision.

(c) Submission of an appropriate specimen, following the established chain of custody, to an approved toxicology laboratory for confirmation testing.

404.5 TRAINING

Officers should receive training on this policy and related procedures.

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Modification of Conditions of Supervision

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for the modification of conditions of supervision.

405.2 POLICY

It is the policy of this department that officers will communicate with the courts and the probationer to modify conditions of supervision.

405.3 APPROVALS

Officers should not modify conditions of supervision without court approval unless the court has expressly delegated the authority to do so to the officer or Tulare County Probation Department.

If court approval is not required and the modification would decrease the intensity of supervision, officers should obtain supervisor approval prior to the modification.

405.4 MODIFICATIONS

When an officer determines modification of a probationer's conditions of supervision may be appropriate, the officer should within a reasonable time:

- Identify the proposed modification and document the reason(s) for the proposed modification.
- Notify the probationer of the proposed modification and ask whether the probationer will agree to the modification.
- If the probationer is a minor, proceed with the Modification Hearing subsection (even if the probationer agrees to the modification).

An agreement by the probationer to the modification should be in writing and witnessed by a supervisor and a third-party officer or staff member.

405.4.1 MODIFICATION WITHOUT HEARING

If the probationer agrees to the modification and the court has expressly authorized modifications without a hearing, the officer should (Penal Code §1203.2; Penal Code § 3455):

(a) Obtain a written waiver of the hearing from the probationer.

(b) Submit to the court a copy of the modification along with the rationale for the modification and the probationer's agreement and waiver of hearing.

Prior to submission of court documents, the officer shall notify the probationer of the right to an attorney, and if indigent, the right to a court-appointed attorney (Penal Code § 1203.2). If a probationer waives the right to an attorney, the officer should obtain a signature from the individual on the written waiver. If the probationer consults with an attorney and thereafter agrees to the modification and waiver of personal appearance at the hearing, the officer should obtain a signature from the attorney asto the agreement (Penal Code § 1203.2; Penal Code § 3455).

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405.4.2 MODIFICATION HEARING

If the probationer does not waive a court hearing or a hearing is required under the circumstances, the officer should:

(a) Arrange to have a court date set.

(b) Prepare or assist in preparing any documents required by the court (Penal Code § 1203.2; Penal Code § 3455; Welfare and Institutions Code § 778).

(c) Notify the probationer of the hearing date.

1. Notice should be in writing signed by the probationer and the method of notice, or reason why notice was not given, should be documented.

2. Officers filing a petition to juvenile court to modify or set aside a condition of probation should serve a copy of the petition to theDistrict Attorney, the minor's attorney of record, or, if there is no counsel of record, to minor and the parents or guardians (Welfare and Institutions Code § 778; Welfare and Institutions Code § 776).

405.5 CASE MANAGEMENT PLAN

Officers should review any resulting modifications with the probationer.

The case management plan should be modified as appropriate. See the Supervision of Probationers Policy.

405.6 DOCUMENTATION

Documents associated with modifications of conditions of supervision, including any waivers and approvals, should be filed in the probationer’s case file and retained in accordance with the Records Maintenance and Release Policy.

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Violations

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for responding to and reporting violations of conditions of supervision.

406.2 POLICY

It is the policy of this department to respond to potential violation behavior with due diligence.

406.3 INVESTIGATIONS

Officers should begin an investigation into reported or suspected violation behavior within a reasonable time. Investigations into possible violations involving behavior reasonably believed to implicate a specific threat to public safety or to the safety of the probationer or another person should be given priority.

Suspected violations that may constitute additional criminal behavior should be documented sufficiently for presentation to outside agencies, such as local law enforcement for follow-up or the District Attorney for filing of additional charges. See the Report Preparation Policy.

All investigations should be documented, including whether the case was submitted to the court and/or the District Attorney and any reasons it was not.

406.4 PROCESSING VIOLATIONS

If as a result of an investigation, the officer reasonably believes violation proceedings are appropriate, the officer should make reasonable efforts to bring the matter before the court as soon as reasonably practicable.

406.4.1 REQUIRED VIOLATION REPORTING

Officers shall report any violation or breach of conditions imposed by the court to both the court that appointed the officer and the court that released the probationer, if different (Penal Code § 1203.7; Penal Code § 1203.12).

Officers who receive written notification that a probationer has been imprisoned for another offense shall submit a report to the court that released the probationer not later than 30 days after receiving notification of the imprisonment. Officers who otherwise discover that a probationer is incarcerated on another offense should make reasonable efforts to notify the releasing court of the information discovered (Penal Code § 1203.2a).

406.4.2 DISCRETIONARY VIOLATION REPORTING

Officers should consult with a supervisor in cases where they reasonably believe that despite violation behavior compliance with conditions may be achieved without court intervention. If modification of conditions is appropriate, officers should proceed in accordance with the Modification of Conditions of Supervision Policy.

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Officers who determine that intermediate sanctions are not appropriate for an individual who violated conditions of supervision on post-release community supervision (PRCS) pursuant to Penal Code § 3450 et seq. should submit a petition to the court to revoke or terminate PRCS, if appropriate, or proceed with the Modifications of Conditions of Supervision Policy (Penal Code § 3455).

406.4.3 FLASH INCARCERATION

Officers shall obtain supervisor approval prior to the imposition of flash incarceration. Officers shall notify the court, sheriff's office, District Attorney, and public defender as soon as practicable once a decision has been made to impose flash incarceration on a probationer (Penal Code § 1203.35). If a probationer does not agree to accept a recommended period of flash incarceration, the officer should report the violation to the court, if appropriate, or proceed with the Modification of Conditions of Supervision Policy, if applicable (Penal Code § 1203.35).

406.4.4 ADDITIONAL REQUIREMENTS FOR INDIVIDUALS ON POST-RELEASE COMMUNITY SUPERVISION

Officers should investigate suspected violation behavior of individuals on PRCS pursuant to Penal Code § 3450 et seq. and process violations per the Investigations and Processing Violations sections of this policy.

Officers who have a reasonable belief that an individual on PRCS has violated a condition of supervision should obtain supervisor approval prior to the implementation of flash incarceration (Penal Code § 3454).

If flash incarceration or another intermediate sanction is not appropriate, the officer should submit a petition to the court to revoke or terminate PRCS, if applicable, or proceed with the Modification of Conditions of Supervision Policy. The petition shall include a written report that contains the terms and conditions of PRCS, the circumstances of the violation, the history of the violator, and any recommendations (Penal Code § 3455). If a petition is submitted to the court, the officer should proceed with the Service of Documents, Notice to the District Attorney, Evidence Disclosure, and Notifications sections in this policy. If an arrest is appropriate, the officer should proceed with the Arrestssection of this policy.

406.5 ARRESTS

If an officer has a reasonable belief that an immediate arrest is warranted (ex: implication of a specific threat, the arrest is warranted by state law, etc.) , the officer should initiate a warrantless arrest if legally permitted under the circumstances. The Supervisor shall be notified at the earliest opportunity.

Officers who reasonably believe that an arrest is appropriate based on violation behavior should take steps to initiate the arrest within the scope of their authority and without unreasonable delay (Penal Code § 1203.2; Penal Code § 3455; Welfare and Institutions Code § 625) The Supervisor shall be briefed prior to the arrest, unless circumstances do not permit, at which time the Supervisor will be briefed at the earliest opportunity.

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If an arrest warrant is issued for the violation, the officers may request assistance from local law enforcement to serve the warrant, if appropriate.

406.6 SERVICE OF DOCUMENTS

Regardless of whether an arrest is made, the officer shall serve a copy of any petition filed with the court on the probationer or the attorney for the probationer, if known (Penal Code § 1203.2). The officer should also serve a copy of the violation report on the probationer or the probationer's attorney, if known.

A copy of the petition to revoke probation and/or violation report should be served personally on the probationer. If personal service cannot reasonably be made, service should be made by certified mail, return receipt requested.

If an officer reasonably believes that service may pose an unreasonable risk, the officer should request local law enforcement assistance.

406.6.1 NOTICE TO THE DISTRICT ATTORNEY

Officers shall provide a copy of the petition to revoke probation to the District Attorney (Penal Code § 1203.2). The copy should be provided as soon as practicable after filing the petition. The method of notification (e.g., personally, by certified mail) and the date should be documented.

406.6.2 EVIDENCE DISCLOSURE

Evidence that the officer intends to be used at a violation hearing should be disclosed prior to the hearing to the District Attorney. Information that is confidential or protected may have disclosure limitations and should be approved by a supervisor and/or the court prior to disclosure.

406.6.3 SUPPLEMENTAL PETITIONS IN JUVENILE COURT

Officers filing a supplemental petition to juvenile court shall serve notice of the date, time, and place of a Welfare and Institutions Code § 777 hearing to the minor's parents, foster parents, guardians, or the relatives providing care to the minor in the manner required by Welfare and Institutions Code § 658 or Welfare and Institutions Code § 660, as applicable (Welfare and Institutions Code § 777).

406.7 NOTIFICATIONS

Officers who initiate violation proceedings against probationers should consider whether notification should be made to a third party or the victim of the offense for which the probationer is on supervision. See the Victim and Witness Assistance Policy.

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Subpoenas and Court Appearances

407.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Tulare County Probation Department to cover any related work absences and keep the Department informed about relevant legal matters.

407.2 POLICY

Tulare County Probation Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

407.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of the subpoena to the officer's supervisor or other authorized department agent (Penal Code § 1328).

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of $275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328):

(a) The supervisor or authorized individual will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.

(b) It is less than five working days prior to the date listed for an appearance and the supervisor or authorized individual is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines it is not possible to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328).

407.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify, or provides information on behalf or at the request of any party other than the County Counsel or the prosecutor shall notify the member's immediate supervisor without delay regarding:

(a) Any civil case where the County or one of its members, as a result of their official capacity, is a party.

(b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of their official capacity, is a party.

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(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of their association with the Tulare County Probation Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Tulare County Probation Department.

The supervisor will then notify the Chief Probation Officer and the appropriate prosecuting attorney as may be indicated by the case. The Chief Probation Officer should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

407.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

407.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

407.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

407.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes location during the day, the member shall notify the designated department member of how the member can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

407.6 COURTROOM PROTOCOL

When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

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407.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court. The member should also contact the prosecuting attorney regarding testimony and evidence that might be needed in court.

407.6.2 EVIDENCE

When a member is directed by a subpoena to appear in court with evidence or the prosecuting attorney requests evidence that is available to the member, that member should:

(a) Notify the Property Room Manager, or authorized designee promptly after receiving the subpoena that the specified evidence is needed for court, and verify that the evidence is readily available.

(b) Verify whether the evidence will be analyzed by the time of the court appearance, if applicable, and advise the prosecutor of any delay.

(c) Check with the prosecuting attorney on a timely basis if in doubt about what items or materials to bring to court.

(d) Notify the prosecuting attorney on a timely basis in the event that evidence has been lost, stolen, or misplaced, or if previously undisclosed information about the evidence has become available.

(e) Comply with provisions of the Property Policy regarding checking out the evidence and transferring custody of the evidence to the prosecutor or the court, whichever is appropriate.

407.7 OVERTIME APPEARANCES

When a member appears in court on off-duty time, the member will be compensated in accordance with the current collective bargaining agreement or memorandum of understanding.

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Interstate Transfer of Supervision of Adults

408.1 PURPOSE AND SCOPE

The purpose of this policy is to guide the processing of cases related to the Interstate Compact for Adult Offender Supervision (ICAOS) and ensure the Tulare County Probation Department's compliance with ICAOS.

408.1.1 DEFINITIONS

Compact Administrator - The individual in each compacting state responsible for the administration and management of the state's supervision and transfer of offenders, subject to the terms of ICAOS, the rules adopted by the Interstate Commission for Adult Offender Supervision, and policies adopted by the State Council.

Interstate Compact for Adult Offender Supervision (ICAOS) - A reciprocal agreement among the 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands for the controlled movement and transfer of probation supervision authority across state lines.

Interstate Compact Offender Tracking System (ICOTS) - A web-based system that facilitates the transfer of supervision for probationers from one state to another. ICOTS includes mechanisms for notifications of departures, arrivals, progress, violations, and case closures.

408.2 POLICY

It is the policy of the Tulare County Probation Department to use ICOTS when planning for and organizing the movement and supervision of probationers across state lines. All interstate transfer of supervision activities should comply with the uniform framework of ICAOS.

408.3 REQUEST FOR TRANSFER OF SUPERVISION BY A PROBATIONER

When a probationer requests a transfer of supervision to another state, the officer should:

- Discuss the probationer's request with the probationer, including the probationer's reasoning and the probationer's supervision plan for compliance in the potential receiving state.
- Review the probationer's supervision plan to ensure it meets criteria for transfer as specified in ICAOS rules, including any special criteria where applicable (e.g., mandatory transfer, sex offender transfer, emergency transfer).
- Review the probationer's supervision status, including the probationer's current compliance status with any past or present conditions of supervision.

408.4 TRANSFER, RETAKE, AND CLOSURE OF ICAOS CASES

The Tulare County Probation Department should follow the rules set forth by the Interstate Commission for Adult Offender Supervision and the State Council and should cooperate with the state Compact Administrator.

The Tulare County Probation Department should utilize ICOTS as necessary, including for notifications of departures, arrivals, progress, violations, and case closures.

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408.5 RECEIPT OF TRANSFERRED PROBATIONERS

Transferred probationers received by the Tulare County Probation Department should be given an orientation consistent with the Initial Intake to Probation Services and Orientation Policy.

408.6 TRAINING

The Tulare County Probation Department should provide training to officers involved in ICAOS cases.

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Interstate Transfer of Supervision of Youth

409.1 PURPOSE AND SCOPE

The purpose of this policy is to guide processing of Compact cases and ensure the Tulare County Probation Department's compliance with the Interstate Compact for Juveniles (ICJ).

409.1.1 DEFINITIONS

Compact Administrator - The individual in each compacting state responsible for the administration and management of the state's supervision and transfer of offenders, subject to the terms of the ICJ, the rules adopted by the Interstate Commission for Juveniles, and policies adopted by California's ICJ office.

Interstate Compact for Juveniles (ICJ) - A reciprocal agreement among the 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands for the controlled movement and transfer of probation supervision authority across state lines for juveniles (4 USC § 112).

Uniform Nationwide Interstate Tracking for Youth (UNITY) - A web-based system for tracking interstate juvenile movement.

409.2 POLICY

It is the policy of the Tulare County Probation Department to use UNITY when planning for and organizing the movement and supervision of probationers across state lines. All interstate transfer of supervision activities will comply with the uniform framework of ICJ.

409.3 REQUEST FOR TRANSFER OF SUPERVISION BY A YOUTH

When a request for transfer of supervision to another state is made, the officer should:

- Confirm an appropriate legal guardian exists, or is anticipated to exist, in the receiving state.
- Discuss the request with the youth and legal guardian(s), including the reasoning and the plan for compliance in the potential receiving state.
- Review the plan to ensure it meets criteria for transfer as specified in ICJ rules, including any special criteria where applicable (e.g., mandatory transfer, juvenile sex offender transfer, expedited transfer).
- Review the youth's supervision status, including the youth's current compliance status with any past or present conditions of supervision.
- Complete and submit applicable forms required by ICJ rules.

409.4 TRANSFER, RETAKE, AND CLOSURE OF ICJ CASES

The Tulare County Probation Department should follow the ICJ rules, and will cooperate with the state Compact Administrator.

The Tulare County Probation Department should utilize UNITY as necessary, including for notifications of departures, arrivals, progress, violations, and case closures.

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409.5 RECEIPT OF TRANSFERRED YOUTH

Transferred youths received by the Tulare County Probation Department should be given an orientation consistent with the Initial Intake to Probation Services Policy.

409.6 TRAINING

The Tulare County Probation Department should provide training to officers involved in ICJ cases.

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Prison Rape Elimination Act

410.1 PURPOSE AND SCOPE

This policy provides guidance for compliance with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse and sexual harassment in Tulare County Probation Department facilities (28 CFR 115.5 et seq.).

410.1.1 DEFINITIONS

Definitions related to this policy include:

Confined individual - A resident of a community confinement facility, or a detainee in a lockup, owned or operated by the Tulare County Probation Department (28 CFR 115.5).

Sexual abuse - Any of the following acts if the confined individual does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

(a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight

(b) Contact between the mouth and the penis, vulva, or anus

(c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument

(d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a member of the Department or a contractor, with or without consent of the confined individual, as follows:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the department member or contractor has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the department member or contractor has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the member or contractor has the intent to abuse, arouse, or gratify sexual desire
- Any attempt, threat, or request by the department member or contractor to engage in the activities described above

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- Any display by the department member's or contractor's uncovered genitalia, buttocks, or breast in the presence of a confined individual
- Voyeurism by the department member or contractor

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one confined individual that are directed toward another; repeated verbal comments or gestures of a sexual nature to a confined individual by a member of the Department or contractor, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

410.2 POLICY

The Tulare County Probation Department has zero tolerance with regard to sexual abuse and sexual harassment in its facilities. This department will take appropriate affirmative measures to protect all confined individuals from sexual abuse and harassment, or retaliation against any person who reports sexual abuse or sexual harassment, or who cooperates with a sexual abuse or sexual harassment investigation, and will promptly, thoroughly, and objectively investigate all allegations of sexual abuse and sexual harassment (28 CFR 115.111; 28 CFR 115.211).

410.3 PREA COORDINATOR

The Chief Probation Officer shall delegate certain responsibilities to a PREA coordinator. The coordinator shall be an upper-level manager. The coordinator must have sufficient time and authority to develop, implement, and oversee department efforts to comply with PREA standards (28 CFR 115.111; 28 CFR 115.211).

The responsibilities of the PREA coordinator shall include developing and maintaining standards and procedures to comply with the PREA Rule.

410.3.1 CONTRACTS WITH OUTSIDE AGENCIES

The PREA coordinator shall ensure that any contract for the confinement or detention of confined individuals includes the requirement to adopt and comply with applicable provisions in PREA and the implementing regulations, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.287 (28 CFR 115.212).

The PREA coordinator shall implement agreements and/or memorandums of understanding for any outside investigation agencies responsible for sexual abuse investigations that include compliance with the appropriate protocol, appropriately trained investigators, evidence collection practices, forensic medical examination requirements, and an agreement to keep the Tulare County Probation Department apprised of the progress of sexual abuse investigations (28 CFR 115.221; 28 CFR 115.271).

410.4 PERSONNEL ISSUES

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410.4.1 DISQUALIFICATION DECISIONS

Every person who may have confined individual contact as a member or contractor shall, prior to service, undergo a thorough background investigation to verify personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Tulare County Probation Department.

The Tulare County Probation Department shall not hire, promote, assign, or transfer any member or contractor to a position that may allow contact with confined individuals if the member has (28 CFR 115.117; 28 CFR 115.217):

(a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.

(b) Been convicted of engaging in or attempting to engage in sexual activity that was facilitated by force, or overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

(c) Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this subsection.

The department shall ask all candidates who may have contact with confined individuals to disclose any applicable misconduct during written applications or interviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

410.4.2 PREA DISCLOSURE

Members have a continuing affirmative duty to notify the Chief Probation Officer in writing if they have (28 CFR 115.117; 28 CFR 115.217):

(a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.

(b) Been convicted for an offense involving engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

(c) Been the subject of any civil or administrative adjudication finding that the member engaged in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

The department shall ask all employees who may have contact with confined individuals to disclose any applicable misconduct during written evaluations or reviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

410.4.3 PRESERVATION OF ABILITY TO PROTECT PROBATIONERS

The Department shall not enter into or renew any memorandum of understanding, collective bargaining agreement, or other agreement that limits the department's ability to remove alleged

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staff sexual abusers from contact with any probationer pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted (28 CFR 115.266).

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Bias-Based Supervision

411.1 PURPOSE AND SCOPE

This policy provides guidance to Tulare County Probation Department members that affirms the County's commitment to supervision that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in probation activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, and partnerships).

411.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based supervision - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing supervision services or enforcement of court orders.

411.2 POLICY

The Tulare County Probation Department is committed to providing supervision services to the community with due regard for the racial, cultural, or other differences of those served. It is the policy of this department to provide probation services and to enforce the law and conditions set by the court equally, fairly, objectively, and without discrimination toward any individual or group.

411.3 BIAS-BASED SUPERVISION PROHIBITED

Bias-based supervision is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely, and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

411.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based supervision to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

411.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report), the involved officer should include those facts giving rise to the contact.

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Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

411.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and the officer's supervisor in a timely manner.

    1. Supervisors should document these discussions in the prescribed manner.

(b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(c) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based supervision.

411.6 STATE REPORTING

The Professional Standards Unit Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020).

411.7 TRAINING

Training on fair and objective supervision and review of this policy should be conducted as directed by the Training Manager.

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Chapter 5 - Field and Special Operations

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Crime Scene Integrity and Investigation

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the discovery of a crime or crime scene by department members and any corresponding investigation of a crime.

This policy is intended to address criminal investigations of new crimes or crime scenes, not specific violations of an offender's terms of probation. See the Violations Policy.

500.2 POLICY

It is the policy of this department to secure the safety of the public and the preservation of crime scenes, when reasonably practicable, until relieved by local law enforcement, a supervisor, or other designated person. It is also the policy of this department to cooperate with local law enforcement in the investigation of newly discovered crimes as set forth in this policy.

500.3 INITIAL CONSIDERATIONS

Officers who become aware of a crime or crime scene, including one that may involve probationers under the supervision of the Department, should contact the appropriate local law enforcement agency as soon as practicable.

If the crime involves a probationer under supervision by the Department, the officer should coordinate investigative responsibilities and share relevant information with the responding local law enforcement agency.

An officer who reasonably believes that an individual present during the commission of a crime or at a crime scene is under probation supervision by another officer or other department should take reasonable steps to notify the individual's supervising officer or the associated department to coordinate any necessary investigative responsibilities.

500.3.1 RESPONSE

Officers who encounter or who are first to arrive at a crime scene should:

(a) Contact local law enforcement.

(b) Contact other local agencies (e.g., emergency medical services, fire) and request additional assistance and resources, if appropriate.

(c) Notify a supervisor.

(d) When reasonably practicable, provide for the general safety of those within the immediate area by mitigating, reducing, or eliminating threats or dangers.

(e) Evacuate the location safely as required or appropriate.

(f) Identify potential witnesses.

500.4 ARRESTS

An officer at the location of a crime or crime scene should not initiate an arrest unless the officer has a reasonable belief that an immediate arrest is appropriate and warranted to prevent

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imminent harm to others and only if legally permitted under the circumstances. Additional guidance regarding officer arrest authority under California law is provided in the Probation Authority Policy.

Circumstances involving domestic violence or the crime of possession of medical marijuana may require exceptional handling under California law.

500.4.1 ARRESTS AND INVESTIGATIONS INVOLVING DOMESTIC VIOLENCE
Absent extenuating circumstances involving an imminent threat of death or bodily injury to the officer or another person, officers who have probable cause to believe that an offense involving domestic violence has occurred within their presence should request response by the appropriate local law enforcement agency.

This should be considered even if the officer has arrest authority under California law. However, if the officer is authorized or required to take enforcement action, the officer shall take steps to reasonably ensure that appropriate action is taken, including an arrest when there is probable cause to do so. In such case, any decision not to arrest shall be made by the officer's supervisor.

Officers shall also take steps to reasonably ensure any other mandatory action related to domestic violence is accomplished. This may include mandates related but not limited to the following:

(a) Required victim notifications or assistance.

(b) The service of court orders.

(c) Seizure of firearms or other deadly weapons in accordance with Penal Code § 18250 if the incident involved threats of bodily harm or physical assault and the firearm or weapon is discovered in plain view or pursuant to consent or other lawful search.

500.5 EVIDENCE

Officers should not conduct searches beyond the scope of their authority, pursuant to Penal Code Section 1203. Evidence discovered at a crime scene and that pertains to an officer 's investigation of a probation violation should be documented and preserved as soon as practicable in accordance with the Search and Seizure Policy.

Officers who discover evidence that does not relate to a probation violation should defer to local law enforcement personnel for collection.

500.6 REPORTS

Reports must be written prior to the end of shift, unless authorization is received from a supervisor for a later time. Reports should include adequate investigative information and reference to all evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in a related criminal case, as well as information that may adversely affect the credibility of a witness. If an officer learns of potentially incriminating or exculpatory information any time after submission of a report, the officer should prepare and submit a supplemental report documenting such information as soon as practicable.

Officers should proceed with the Violations Policy when the investigation involves a violation of probation conditions.

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500.6.1 DISCLOSURE OF REPORTS

Upon completion, reports, including any supplemental reports, should be transmitted to the prosecutor's office and to any other agency to whom the original report was sent (e.g., local law enforcement agency). If information is believed to be privileged or confidential (e.g., informant or protected information), release should be approved by a supervisor prior to disclosure.

Disclosure of protected information in this context may be subject to the Records Maintenance and Release and Protected Information policies. See the Violations Policy, regarding information disclosure as part of a probation violation hearing.

500.7 RECORDS

Reports created in relation to a crime or crime scene investigation should be retained in accordance with the Records Maintenance and Release Policy.

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Ride-Alongs

501.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Tulare County Probation Department. This policy provides the requirements, approval process, hours of operation, and member responsibilities for ride-alongs.

501.2 POLICY

Ride-along opportunities may be provided to members of the public, County employees, and members of this department to observe and experience, firsthand, various functions of the Tulare County Probation Department. The term “ride-along” includes riding as a passenger with an officer performing field supervision or observing the work day of members engaging in other functions within the Department facility, such as office contacts with probationers or supervised persons.

501.3 ELIGIBILITY

A ride-along is available to Tulare County residents and business owners, consultants, students currently attending class in Tulare County and individuals employed within the County and individuals employed within Tulare County. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified, by the Chief Probation Officer or authorized designee from participating without cause.

Factors that may be considered in disqualifying an applicant include, but are not limited to:

- Being younger than 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this department or the County.
- Denial by any supervisor.

501.4 AVAILABILITY

A ride-along or job observation is available Monday to Friday, from 8:00 a.m. to 5:00 p.m. Exceptions to this schedule may be made as approved by the supervisor.

501.5 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the Professional Standards Supervisor. The applicant will complete and sign a ride-along or job observation waiver form. Information requested will include but may not be limited to a valid state-issued identification card or driver's license number, birth date, address, and telephone number.

The supervisor will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate division, as soon as possible for scheduling considerations.

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If the request is denied, a representative of this department will advise the applicant of the denial, in writing.

501.6 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Volunteers
- Chaplains
- Tulare County Probation Department applicants
- Any others with approval of the supervisor
- Student workers or interns

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

501.6.1 OFF-DUTY PARTICIPATION

Off-duty members of this department or any other law enforcement agency, and employees of the County, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the supervisor.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel, or County employee shall not:

(a) Be considered on-duty.

(b) Represent themselves as members of this department or any other law enforcement agency.

(c) Participate in any law enforcement activity except as emergency circumstances may require.

501.6.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check prior to approval of the ride-along.

501.6.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks, and shoes. Sandals, T-shirts, tank tops, shorts, and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the supervisor. The supervisor, or a lead staff member in the absence of a supervisor, may refuse a ride-along to anyone who is not dressed appropriately.

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501.7 OFFICER RESPONSIBILITIES

The assigned department officer shall consider the safety of the ride-along or job observation participant at all times. The officer shall maintain control over the participant and shall instruct the individual about conditions that necessarily limit participation. Instructions should include:

(a) The participant will follow the directions of the department officer.

(b) The participant will not become involved in any investigation, handling of evidence, discussions with victims, probationers, supervised persons or suspects, reading an individual's criminal history or other protected information, or handling any probation department equipment.

(c) Participation may be terminated at any time by the officer if the participant interferes with the performance of the member's duties.

1. If the ride-along is in progress, the officer may return the participant to the point the ride originated.

(d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.

(e) Officer will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.

(f) Participants who are not probation or law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.

The officer assigned to provide a ride-along shall advise the supervisor, or lead staff in the absence of a supervisor, that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation and, if feasible, let the participant out of the vehicle in a well-lit public place. The supervisor, or lead staff in the absence of a supervisor, will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the supervisor. The officer should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the officer shall return the waiver form to the supervisor.

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Hazardous Material Response

502.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the factors that members should consider when they encounter hazardous material, including the reporting of exposures and supervisor responsibilities.

502.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance that by its nature, containment, or reactivity has the capability of inflicting harm during exposure; is characterized as being toxic, corrosive, flammable, reactive, an irritant, or a strong sensitizer; and thereby poses a threat to health when improperly managed.

502.2 POLICY

It is the policy of the Tulare County Probation Department to immediately contact the appropriate local emergency services to respond to hazardous material emergencies in order to protect the safety of probationers, the public, and those members who may be exposed to such incidents.

502.3 HAZARDOUS MATERIAL EXPOSURE

Members may encounter situations involving suspected hazardous materials, such as a chemical spill in the workplace. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Members should not perform tasks or use equipment without proper training. Officers present at a hazardous material incident may require decontamination before they are allowed to leave the scene and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

502.4 CONSIDERATIONS

These steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potentially hazardous material from a safe distance.

(b) Notify appropriate supervisors, the appropriate fire department and hazardous response units, and local law enforcement.

    1. Provide weather conditions, wind direction, a suggested safe approach route, and any other information pertinent to responder safety.

(c) Wear personal protective equipment (PPE), as available and as trained, being cognizant that some hazardous material can be inhaled.

(d) Remain upwind, uphill, and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

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(e) Assist responsible agency if requested.

502.5 REPORTING EXPOSURE

Department members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the exposed member or supervisor in an incident report that shall be forwarded via chain of command to the Chief Probation Officer as soon as practicable. If the affected member is unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused by exposure to hazardous materials shall be reported the same as any other on-duty injury or illness.

502.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, PPE is available from supervisors. PPE not maintained by this department may be available through the appropriate fire department or emergency response team.

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Hostage and Barricade Incidents

503.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain, or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

503.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against the person's will under threat or actual use of force.

503.2 POLICY

It is the policy of the Tulare County Probation Department to address hostage and barricade situations by immediately contacting local law enforcement.

503.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. The focus of communication should be to stabilize the situation while awaiting local law enforcement.

503.4 CONSIDERATIONS

Officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

Officers should immediately contact local law enforcement when it is determined that a hostage or barricade situation exists.

The initial officer should brief the arriving local law enforcement officers of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

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503.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting local law enforcement, specialized personnel, and trained negotiators.

503.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of local law enforcement, specialized personnel, and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats.

503.5 RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately notify the chain of command and respond to the scene. The supervisor should establish a proper chain of command, and assume the role of Incident Supervisor until properly relieved by local law enforcement.

503.6 REPORTING

Unless otherwise relieved by a supervisor, the initialofficer at the scene is responsible for completion of an incident report.

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Response to Bomb Threat Calls

504.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Tulare County Probation Department in their initial response to incidents involving explosives or explosive devices, explosion/bombing incidents, or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

504.2 POLICY

It is the policy of the Tulare County Probation Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

504.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement, and alleged detonation time of the device and should immediately contact the appropriate local law enforcement agency to convey the information.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

504.4 TULARE COUNTY PROBATION DEPARTMENT FACILITY

If the bomb threat is against the department facility, the member who received the threat should immediately contact the appropriate local law enforcement agency and notify the supervisor as soon as practicable. The supervisor, in coordination with local law enforcement, will direct and assign officers as required for coordinating a general building search or evacuation of the building, as deemed appropriate.

504.5 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the County that is not the property of this department, assistance to the other entity may be provided as the supervisor deems appropriate once the appropriate local law enforcement agency has been notified of the threat.

504.6 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, local law enforcement and the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

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If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to local law enforcement and the military police or other military security responsible for the installation.

504.7 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting law enforcement assistance at the facility.

(f) Whether any internal facility procedures exist regarding bomb threats, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that local law enforcement is notified. Also notify the department supervisor immediately so that the supervisor can communicate with the person in charge of the threatened facility as necessary.

504.8 ASSISTANCE

The Chief Probation Officer or the authorized designee should be notified when department assistance is requested. The Chief Probation Officer or authorized designee will make the decision whether the Department will render assistance to responding law enforcement and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including evacuation and giving officers control over the facility.

Should the Chief Probation Officer or authorized designee determine that the department will assist law enforcement with such an incident, the Chief Probation Officer or authorized designee will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance in consultation with responding local law enforcement.

(c) Whether to evacuate and/or search the facility.

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(d) Whether to involve facility staff in the search or evacuation of the building.
1. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:
1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request local law enforcement's assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

504.9 SUSPECTED DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all-inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes:

1. Two-way radios.
2. Cell phones.
3. Other personal communication devices.

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(h) Promptly relay available information to local law enforcement and the Chief Probation Officer or authorized designee including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

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504.10 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, the supervisor may be confronted with a multitude of considerations. As in other catastrophic events, a rapid evacuation may help to minimize injury to victims, contamination of the scene, or any additional damage from fires or unstable structures.

504.10.1 CONSIDERATIONS

Officers present at the scene of an explosion, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries, where safe and practicable.

(b) Request through 9-1-1 additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens, and hazardous materials, where safe and practicable.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices only if trained to do so or where necessary to establish an evacuation route for self and others.

(g) Preserve evidence, where safe and practicable.

(h) Establish an outer perimeter and evacuate, if necessary.

(i) Identify witnesses.

504.10.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified, as appropriate:

- Local law enforcement
- Supervisor
- Fire department
- Bomb squad
- Additional department personnel, as necessary
- Other government agencies, as appropriate

504.11 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene and only at the direction of local law enforcement. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

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504.11 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. Pending the arrival of local law enforcement, the supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact evidence may be embedded in nearby structures or hanging in trees and bushes.

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Crisis Intervention Incidents

505.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

505.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage their behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; noncompliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive, or dangerous behavior that may be accompanied by impaired judgment.

505.2 POLICY

The Tulare County Probation Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

505.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation, or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality, or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness, or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, or lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility, or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

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505.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief Probation Officer should designate an appropriate Division Manager to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be in crisis and may also be used to develop case management plans for probationers and other individuals under the supervision of the Department who may be suffering from mental illness.

505.5 CRISIS INTERVENTION RESPONSE

Safety is a priority during any crisis intervention incident. It is important to recognize that individuals under the influence of alcohol, drugs, or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises, and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer interacting with a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request local law enforcement and/or available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights, or sirens.

(d) Attempt to determine if weapons are present or available.

    1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of their action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime and report the same to local law enforcement, if applicable.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

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(k) If circumstances reasonably permit, consider and employ alternatives to force.

505.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous, and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent, or suicidal.
- Argue, speak with a raised voice, or use threats to obtain compliance.

505.7 INCIDENT ORIENTATION

When encountering an incident that may involve mental illness or a mental health crisis, the officer should request critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication or may have failed to take their medication.

(b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous probation or other law enforcement response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

505.8 SUPERVISOR RESPONSIBILITIES

If possible, a supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

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(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Absent an imminent threat to the public, consider strategic disengagement. This may include removing or reducing department resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing and prepare an incident report to be forwarded to the supervisor.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

505.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

505.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Members, including but not limited to clerical staff, may interact with persons in crisis in an administrative capacity, such as during records requests or phone calls.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If during an interaction, a member believes a person is in crisis, the member should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may self-harm or be harmful to others, an officer should be promptly summoned to provide assistance.

505.11 EVALUATION

The Division Manager designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers, or incidents and will be submitted to the Chief Probation Officer through the chain of command.

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505.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Standards and Training for Corrections (STC)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks, and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

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Rapid Response and Deployment

506.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces, and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement and probation. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

506.2 POLICY

The Tulare County Probation Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those who are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

506.3 CONSIDERATIONS

When dealing with a crisis situation, members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore, and analyze sources of intelligence and known information regarding the circumstances, location, and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing, or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

506.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent, or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat, or wait for additional resources from local dispatch.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to incidents at other locations.

When deciding on a course of action, officers should consider:

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(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of defensive weapons, control devices, and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

506.5 PLANNING

The Chief Probation Officer or authorized designee should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites at the Tulare County Probation Department, such as buildings, including detention facilities, and parking areas.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Field supervision first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

506.6 TRAINING

The Training Manager should include rapid response to critical incidents in the training plan. This training should be provided to all officers and address:

(a) Orientation to likely critical incident target sites at the Tulare County Probation Department, such as buildings, including detention facilities, and parking areas.

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(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Field supervision first-response training.

(d) First aid and CPR Training.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

507.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Tulare County Probation Department relating to immigration and interacting with federal immigration officials.

507.1.1 DEFINITIONS

The following definition applies to this policy (Government Code § 7284.4):

Immigration enforcement – Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

507.2 POLICY

It is the policy of the Tulare County Probation Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

507.3 VICTIMS AND WITNESSES

To encourage cooperation, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of the Tulare County Probation Department will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

507.4 IMMIGRATION STATUS AND DETENTIONS

Immigration status may be reported to the court as required by law. Any reasonably discovered change in the immigration status of any probationer or any discrepancy in the record about the person's immigration status should be documented and reported to the court.

No individual should be detained solely for the purpose of waiting for information from immigration officials (Government Code § 7284.6).

507.4.1 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual’s immigration status for immigration enforcement purposes (Government Code § 7284.6).

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507.4.2 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)
Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Additionally, members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

507.4.3 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
Members shall not obtain, access, use, or disclose noncriminal history information maintained by the Department of Motor Vehicles for immigration enforcement (Vehicle Code § 1808.48).

507.5 FEDERAL REQUEST FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to the Chief Probation Officer, through the chain of command. The Chief Probation Officer or authorized designee is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

507.6 INFORMATION SHARING

Notwithstanding any Federal, State or local law, including the California Values Act, no government entity or official will prohibit, or in any way restrict, any other government entity or official from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

507.7 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the appropriate prosecutor or the appropriate law enforcement agency.

507.8 TRAINING

The Training Manager should ensure officers receive immigration training on this policy. Training should include prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

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Field Training

508.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the training setting to the actual performance of general duties; and introduce the policies, procedures, and operations of the Tulare County Probation Department. The policy addresses the administration of field training and the selection, supervision, training, and responsibilities of the Field Training Officer (FTO).

508.2 POLICY

It is the policy of the Tulare County Probation Department that all newly hired or appointed officer trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

508.3 FIELD TRAINING

The Department should establish minimum standards for field training, which should be of sufficient duration to prepare officer trainees for probation duties. The field training is designed to prepare trainees for a probation supervision assignment and ensure they acquire the skills needed to operate in a safe, productive, and professional manner, in accordance with the general duties of this department.

To the extent practicable, field training should include procedures for:

(a) Issuing training materials to each trainee at the beginning of each trainee's field training.

(b) Daily, weekly, and monthly evaluation and documentation of the trainee's performance.

(c) A multiphase structure that includes:

1. A formal evaluation progress report completed by the FTOs involved with the trainee and submitted to the Training Manager and FTO Supervisor.
2. Assignment of the trainee to a variety of shifts and supervision tasks.
3. Assignment of the trainee to a rotation of FTOs to provide for an objective evaluation of the trainee's performance.

(d) The trainee's confidential evaluation of the assigned FTOs and the field training process.

(e) Retention of all field training documentation in the trainee's training file, including:

1. All performance evaluations.
2. A certificate of completion certifying that the trainee has successfully completed the required number of field training hours.

508.4 FTO SUPERVISOR

The Chief Probation Officer shall delegate certain responsibilities to the FTO Supervisor.

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The FTO Supervisor may appoint a senior FTO or other designee to assist in the coordination of FTOs and their activities.

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

(a) Assigning trainees to FTOs.

(b) Conducting FTO meetings.

(c) Maintaining and ensuring FTO and trainee performance evaluations are completed.

(d) Maintaining, updating, and issuing department training materials to each FTO and trainee.

(e) Developing ongoing training for FTOs.

(f) Mentoring and supervising individual FTO performance.

(g) Monitoring the overall performance of field training.

(h) Keeping the Chief Probation Officer informed about the trainees' progress.

(i) Maintaining a liaison with FTO Supervisor from other probation agencies.

(j) Performing other activities as may be directed by the Chief Probation Officer.

Within one year of appointment to this position, the FTO Supervisor will be required to successfully complete a training course approved by this department that is applicable to supervision of field training.

508.5 FTO SELECTION, TRAINING, AND RESPONSIBILITIES

508.5.1 PROBATION DEPARTMENT SELECTION PROCESS

The selection of an FTO will be at the discretion of the Chief Probation Officer or the authorized designee. Selection should be based on the officer’s:

(a) Desire to be an FTO.

(b) Experience, which should include a minimum of four years of field supervision, two of which shall be with this department.

(c) Demonstrated ability as a positive role model.

(d) Successful completion of an internal oral interview process.

(e) Evaluation by supervisors and current FTOs.

(f) Possession of, or ability to obtain, approved certification.

An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct, or poor performance.

508.5.2 TRAINING

An officer selected as an FTO shall successfully complete the department-approved training prior to being assigned as an FTO.

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All FTOs should complete an update course approved by this department at least every three years while assigned to the position of FTO.

508.5.3 TRAINING MATERIALS

The FTO shall receive training materials outlining the requirements, expectations, and objectives of the FTO position. FTOs should refer to their training materials or the FTO coordinator regarding specific questions related to FTO or field training.

508.5.4 RESPONSIBILITIES

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

(a) Issuing trainee field training materials to the assigned trainee in accordance with the Training Policy.

1. The FTO should ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.
2. The FTO shall sign off on all completed topics contained in the training materials, noting the methods of learning and evaluating the performance of the assigned trainee.

(b) Completing and reviewing daily performance evaluations with the trainee.

(c) Completing and submitting a written evaluation on the performance of the assigned trainee to the FTO coordinator on a daily basis.

(d) Completing a detailed weekly performance evaluation of the assigned trainee at the end of each week.

(e) Completing an evaluation report of the assigned trainee at the end of each trainee's rotation.

(f) Providing the Supervising Probation Officer with a verbal or electronic communication synopsis of the trainee's activities at the end of each day or during any unusual occurrence needing guidance or clarification.

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Public Recording of Probation Officer Activity

509.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record probation officer actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

509.2 POLICY

The Tulare County Probation Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully by local law enforcement having jurisdiction.

Officers should exercise restraint and should not resort to seeking highly discretionary arrests for offenses such as interference, failure to comply, or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

509.3 RECORDING PROBATION OFFICER ACTIVITY

Members of the public who wish to record probation officer activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with probation officer activity. Examples of interference include but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer’s effective communication with a probationer or other individual.

(c) The individual may not present an undue safety risk to self, to the officer, or to others.

509.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing individuals to clear the area, an officer could advise individuals they may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with probation officer activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

509.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practicable, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure, or other actions are constitutional and consistent with this policy and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

509.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Should the above circumstances exist, immediate contact with local law enforcement will be made for investigation and determination of property seizure.

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Medical Aid and Response

510.1 PURPOSE AND SCOPE

This policy recognizes that officers may encounter persons in need of medical aid and establishes an appropriate response to such situations.

510.2 POLICY

It is the policy of the Tulare County Probation Department that all officers and other designated officers be trained to provide emergency medical aid and to facilitate an emergency medical response.

510.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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510.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, officers should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Depending on the circumstances, Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Officers should not provide emergency escort for medical transport or civilian vehicles.

510.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, officers may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider contacting crisis.

After consultation with a supervisor. If an officer believes that a person who is in custody requires EMS care and the person refuses, the officer should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

Officers shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

510.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should take the arrestee to the local hospital or approved urgent care and notify a supervisor.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

510.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies.

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510.7 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member and (Civil Code § 1714.22; 22 CCR 100027.03):

(a) When trained and tested to demonstrate competence following initial instruction.

(b) When authorized by the medical director of the Local Emergency Management Service Agency.

510.7.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Officers who are qualified to administer opioid overdose medication, such as naloxone, should handle, store, and administer the medication consistent with their training. Officer should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Manager.

Any officer who administers an opioid overdose medication should request response by EMS as soon as possible.

510.7.2 OPIOID OVERDOSE MEDICATION REPORTING

Any officer administering opioid overdose medication should detail its use in an appropriate report.

The Training Manager will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

510.7.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Manager should ensure initial and refresher training is provided to officers authorized to administer opioid overdose medication.

Training should be coordinated with the local health department and comply with applicable standards.

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Task Force

511.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when participating in task force (TF) operations.

511.2 POLICY

It is the policy of the Tulare County Probation Department to improve public safety and reduce violent crime through proactive collaboration with law enforcement task forces.

511.3 AGENCY INVOLVEMENT

Participation in TF operations provides access to multi-jurisdictional resources for apprehending probationers who have absconded from supervision or who have otherwise violated the law and/or supervision conditions.

Department participation in TF operations is subject to the approval of the Chief Probation Officer or the authorized designee.

511.3.1 REQUESTS FOR AGENCY INVOLVEMENT

Initial requests for participation in a TF or TF operation should be routed to the Chief Probation Officer, or authorized designee for approval. In some instances, a memorandum of understanding (MOU) or other established protocol may exist that eliminates the need for approval of individual requests .Legal counsel should be consulted regarding whether a formal agreement is necessary for members to participate in a TF operation.

511.3.2 OFFICER OPERATIONAL ACTIVITY

Officers involved in TF operations should confirm the existence of, time period of coverage, and prior Chief Probation Officer approval for any MOU or established protocol prior to engaging in TF operational activity.

When engaged in TF operational activity or when rendering assistance pursuant to a TF agreement, officers must conform to applicable laws and the policies of this department unless previously approved by the Chief Probation Officer.

Requests for emergency assistance unrelated to TF operations and enforcement action taken outside the jurisdiction of the department unrelated to TF operations are governed by the Outside Agency Assistance and Probation Authority policies.

511.4 TEMPORARY DETENTION AND TRANSPORT

TF operation arrestees should only be temporarily detained and/or transported by this department pursuant to the Transporting Persons in Custody Policy unless previously approved by the Chief Probation Officer.

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511.5 REPORTING REQUIREMENTS

Original reports of investigations, evidence seized, and other materials generated or collected by the TF operation should be retained by the agency responsible for the case. However, evidence may be turned over to other law enforcement agencies as appropriate pursuant to the Property Policy. Copies of investigative reports and other materials may be provided to other agencies in accordance with applicable laws, TF rules, and Records Maintenance and Release Policy.

511.6 MANDATORY SHARING AND TRAINING

When equipment and/or supplies maintained by the department have been purchased with federal funds or grants and are subject to agency sharing requirements, the Chief Probation Officer or authorized designee should regularly document:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the equipment and supplies.
2. The members trained in the use of the equipment and supplies.

(c) Any other requirements in the use of the equipment and supplies.

Copies of this documentation should be maintained by the Chief Probation Officer or authorized designee.

The Training Manager should maintain documentation that the appropriate members have received the required training.

511.7 NEWS MEDIA

Media inquiries should be referred to the Task Force Coordinator of the agency responsible for coordinating the activities of the TF.

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Operations Planning

512.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, and execution of high-risk operations.

512.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

512.2 POLICY

It is the policy of the Tulare County Probation Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations, and prevent duplicating efforts.

512.3 OPERATIONS DIRECTOR

The Chief Probation Officer will designate a Division Manager to be the Operations Director.

The Operations Director will develop and maintain a risk assessment form to assess, plan, and coordinate operations. This form should provide a process to identify high-risk operations.

The Operations Director will review risk assessment forms with involved supervisors to determine whether an incident qualifies as a high-risk operation. The Operations Director will also have the responsibility for coordinating operations that are categorized as high risk.

512.4 RISK ASSESSMENT

512.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject or others who may be present at the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases, and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes but is not limited to:

(a) Photographs, including aerial photographs, of the involved location, neighboring yards, and obstacles.

(b) Maps of the location.

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(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against law enforcement, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals, or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest).

512.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants, affidavits and arrest warrants) to their supervisor and the Operations Director, who will consult with the Chief Probation Officer or authorized designee.

The supervisor and Operations Director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

512.4.3 HIGH-RISK OPERATIONS

If the Operations Director, after consultation with the involved supervisor, determines that the operation is high risk, the Operations Director should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. Additional personnel
2. Outside agency assistance, including local law enforcement
3. Special equipment
4. Medical personnel
5. Persons trained in negotiation
6. Additional surveillance
7. Canines
8. Property and Evidence or analytical personnel to assist with cataloging seizures
9. Forensic specialists

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10. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

512.5 OPERATIONS PLAN

The Operations Director should ensure that a written operations plan is developed for all operations.

The plan should address such issues as:

(a) Operation goals, objectives, and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history).
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals, or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams, and other visual aids.
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children.

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate probation operation.
2. How all participants will be identified as probation.

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(e) Whether deconfliction resources (e.g., databases, human intelligence, written reports) are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Contingencies for use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) 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.

(k) Communications plan.

(l) Responsibilities for writing, collecting, reviewing, and approving reports.

(m) Contingencies for hostage and barricade incidents, in accordance with hostage and barricade incidents policy.

512.5.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

512.6 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities, and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The Operations Director shall ensure that all participants are visually identifiable as probation officers.

1. Exceptions may be made by the Operations Director for officers who are conducting surveillance or working undercover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

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1. It is the responsibility of the Operations Director to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operations plan prior to officers arriving at the location.
2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operations plan.
3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

512.7 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief Probation Officer. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

512.8 OPERATIONS DEBRIEFING

Operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible.

512.9 TRAINING

The Training Manager should ensure officers who participate in operations subject to this policy receive periodic training, including but not limited to topics such as legal issues, deconfliction practices, operations planning concepts, and reporting requirements.

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Transporting Persons in Custody

513.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Tulare County Probation Department.

Additional guidance can be found in the Medical Aid and Response Policy.

513.2 POLICY

It is the policy of the Tulare County Probation Department to make reasonable efforts to protect the safety of persons in custody while they are being transported.

513.3 CHIEF PROBATION OFFICER RESPONSIBILITIES

The Chief Probation Officer or authorized designee is responsible for reviewing the safety and restraint systems for all vehicles used to transport persons in custody. The review shall ensure the restraint systems comply with the law and shall determine whether they reasonably meet the needs of the Department. Safety systems should allow for transporting members to be in constant and reasonably clear audio contact with each person being transported.

The Chief Probation Officer or authorized designee should establish related procedures for safely transporting persons in custody who have their legs restrained in some manner other than leg shackles.

513.4 TRANSPORTING MEMBER RESPONSIBILITIES

Members transporting a person in custody in a department vehicle should ensure:

(a) All areas of the vehicle accessible to a person in custody are searched before and after each transport.

(b) All persons in custody are searched prior to a transport.

(c) All persons are properly restrained in the vehicle's safety restraint system in a seated position.

(d) A verbal welfare check is made with a person in custody every 10 minutes or less.

(e) Transport is accomplished in a direct and timely manner.

(f) The same consideration is shown to a person in custody as would be reasonably shown to any other passenger during transport (e.g., avoiding loud or objectionable music, rough rides, excessive heat or cold).

(g) Persons suspected of having a communicable disease are transported in compliance with the exposure control plan.

(h) Persons in custody are transported individually when practical, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.

(i) Persons in custody should not be transported in vehicles without safety barriers.

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(j) Central Control at the Juvenile Detention Facility is advised of:

1. The starting location, the ending destination, the time when a transport begins, the person being transported and the vehicle's starting mileage.
2. The time, vehicle's mileage, and reason for any stops.
3. The time of arrival at the destination and the vehicle's ending mileage.

(k) Reasonable efforts are made to prevent inappropriate conversations between detainees being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.

(l) Two staff shall be responsible for the transport of uncooperative persons to ensure visual observation and communication is maintained to determine whether a person is experiencing any stress or trauma during the transport.

513.5 PROHIBITIONS

Transporting members should not:

(a) Transport persons who present suicidal risks, medical personnel must be called to the scene.

(b) Transport significantly ill persons, medical personnel must be called to the scene.

(c) Transport juveniles with adults.

(d) Transport people of different genders. When possible, transgender or intersex persons should be transported with persons of the gender they identify with if circumstances do not allow for single transport.

(e) Transport persons with known hostilities toward each other together, such as mutual combatants or rival gang members.

(f) Leave the vehicle unattended with a person in custody inside.

(g) Leave a vehicle with its keys or an unsecured weapon inside with a person in custody in the vehicle.

(h) Handcuff a person to any part of a vehicle.

(i) Place a person in custody in an unreasonable risk of harm.

(j) Allow any person who is not in custody (i.e., friends, family) to have contact with or be in close proximity to the person in custody.

(k) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.

513.6 SPECIFIC TRANSPORTATION ISSUES

513.6.1 TRANSPORTING PERSONS WITH DISABILITIES

When transporting a person with a disability, a transporting member should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting member should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported in such a manner that it not be damaged or pose a security threat.

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513.6.2 TRANSPORTING ILL OR INJURED PERSONS

See the Medical Aid and Response Policy.

513.6.3 DELIVERING A PERSON IN CUSTODY TO A FACILITY

Members delivering persons to other facilities (e.g., hospital, other agency, court, jail) should:

(a) Secure weapons in a manner mandated by the facility or in a manner that is appropriate for the facility.

(b) Remove restraints in coordination with facility personnel.

(c) Deliver the appropriate documentation concerning the person to facility personnel.

(d) Notify the receiving facility of any known medical or safety issues, including whether restraints beyond handcuffs were applied due to the person's violent or uncooperative behavior.

513.6.4 LONG-DISTANCE TRANSPORTS

Absent exigent circumstances, members should only stop during long-distance transports for:

- Fuel
- Meals
- Restroom breaks

Where practicable, time-stamped receipts for purchases should be retained and all stops should be logged with central control at the Juvenile Detention Facility in a manner that includes the following:

- The time when a transport begins and the vehicle's mileage
- The time, vehicle's mileage, and reason for any stops
- The time of arrival at the destination and the vehicle's mileage

513.6.5 TRANSPORT VAN

A member trained on the safety and restraint systems of a transport van should be present during its use for transporting a person in custody. Training regarding the use of the van's safety and restraint systems shall be followed.

A member should assist persons getting into and out of the transport van to avoid falls.

513.7 TRAINING

The Training Manager should ensure that members receive training on proper procedures for transporting persons in custody.

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Chapter 6 - Equipment

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Department-Owned and Personal Property

600.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another person or entity, or department-owned property is damaged or lost.

600.2 POLICY

The Tulare County Probation Department will ensure that members are issued appropriate property and equipment necessary for the member's job function. The Department will take steps to minimize the cost associated with maintaining department property, including personal property authorized for use in the member's duties.

600.3 DEPARTMENT-ISSUED PROPERTY

The Chief Probation Officer or the designee should document all property and equipment issued by the Department in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned, prior to the last day worked. Documentation of the return shall be acknowledged by the signature of a supervisor.

600.3.1 MEMBER RESPONSIBILITIES

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and replacement of department property that has been assigned or entrusted to them.

(a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.

(b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.

(c) Except when otherwise directed by a supervisor or when exigent circumstances exist, department-issued property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval.

(e) Members should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

600.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief Probation Officer or authorized designee. The member should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

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Department-Owned and Personal Property

The Department will not replace or repair items (e.g., jewelry, expensive watches) that are not reasonably required as part of work.

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Personal Communication Devices

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

601.2 POLICY

The Tulare County Probation Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under the California Public Records Act (CPRA) (Government Code § 7920.000 et seq.).

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

601.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

601.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT

Department-issued PCDs can be retrieved, reassigned, accessed, or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of

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a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with the California Electronic Communications Privacy Act (Penal Code § 1546; Penal Code § 1546.1).

601.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief Probation Officer or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief Probation Officer or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

601.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of department communications) or as otherwise authorized by department procedures.

1. Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
2. Use of, and data within, a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
3. Searches of a personally owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.

(e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment

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or appointment with the Department, without the express authorization of the Chief Probation Officer or the authorized designee.

(f) If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings, or other public records created or received on a member's personally owned PCD should be transferred to the Tulare County Probation Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandums of understanding or collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record-keeping.

Members working at the Juvenile Detention Facility shall not carry a personally owned PCD while on duty in the facility

601.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used in lieu of regular radio communications.

(b) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recorded media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief Probation Officer or the authorized designee, may result in discipline.

(c) Members will not access social networking sites on a county owned PCD. for any purpose that is not official department business.

(d) Using county owned PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

601.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

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(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a county owned PCD.

601.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while using PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

601.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating department vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature (Vehicle Code § 23123; Vehicle Code § 23123.5).

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Vehicle Use, Safety, and Maintenance

602.1 PURPOSE AND SCOPE

The Department uses department-owned motor vehicles for a variety of applications. To maintain a system of accountability and ensure that department-owned vehicles are used and maintained appropriately, regulations relating to the use and maintenance of these vehicles have been established. The term department-owned as used in this section also refers to any vehicle leased or rented by the Department.

602.2 POLICY

It is the policy of this department to maintain and operate the vehicles assigned to this facility in a lawful and safe manner. The Tulare County Probation Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments, and other considerations. The department will provide service for department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

602.3 USE OF DEPARTMENT VEHICLES

Only authorized members should operate department vehicles. Members who operate department-owned vehicles must comply with all applicable state laws and must possess a valid driver's license endorsed for the type of vehicle operated.

Additionally, members are responsible for maintaining assigned department vehicles ensuring they are properly equipped, maintained, refueled, and cleaned.

602.3.1 VEHICLE LOCATION SYSTEM

At the discretion of the Chief Probation Officer, vehicles may be equipped with a system to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the vehicle location system. When members check out a vehicle, they shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during a shift, the member should exchange the vehicle for one with a working system, if available.

System data may be accessed by Division Managers.

All data captured by the system shall be retained in accordance with the established records retention schedule.

602.3.2 KEYS

Members approved to operate a marked vehicle should be issued a copy of the keys as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

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Members shall not duplicate keys. The loss of keys shall be promptly reported in writing through the member's chain of command.

Under no circumstances will probationers be allowed to operate a vehicle or possess any vehicle keys.

602.3.3 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle.

602.3.4 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

602.3.5 ALCOHOL

Members who have alcohol in their system are prohibited from operating any department vehicle. Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated. Refer to the Tulare County Drug Free Workplace Policy

602.3.6 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions, or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

602.3.7 MEMBER USE

Members using department-owned vehicles shall ensure that all weapons have been removed from a vehicle before going into service.

602.4 VEHICLE SECURITY

Department vehicles will be locked, and the keys will be secured when not in use. No keys should be left in the vehicle except when it is necessary to keep the vehicle running (e.g., equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members will make every effort to ensure that department vehicles are parked in a secure location. Members shall ensure all weapons and control devices are secured while a vehicle is unattended.

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602.4.1 REMOVAL OF WEAPONS

All firearms, weapons, and control devices shall be removed from a vehicle and properly secured in the department armory or designated storage area before releasing the vehicle for maintenance, service, or repair.

602.5 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department-owned vehicles may be assigned to individual members at the discretion of the Chief Probation Officer or the authorized designee. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

602.5.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description, essential functions, and employment or appointment status. Vehicles may be reassigned or used by other department members at the discretion of the Chief Probation Officer or the authorized designee.

602.5.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where members must use department-owned vehicles to commute to and from a work assignment. Members may take home department-owned vehicles only with prior approval of a Division Manager and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the County limits.

(d) Off-street parking will be available at the member's residence.

(e) The vehicle will be locked when not attended.

(f) All firearms, weapons, and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended.

602.5.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description, and essential functions; and the member's employment or appointment status. Residence in County is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County may be required to secure the vehicle at a designated location or at the Department at the discretion of the Chief Probation Officer or the authorized designee.

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Department members shall sign a take-home vehicle agreement that outlines certain standards, including but not limited to how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities, and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or personal transportation, unless special circumstances exist and the Chief Probation Officer or the authorized designee gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. In circumstances when a member has been placed on-call by the Chief Probation Officer or the authorized designee and there is a high probability that the member will be called back to duty.
2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
3. When the member has received permission from the Chief Probation Officer or the authorized designee.
4. When the vehicle is being used by the Chief Probation Officer or the authorized designee or members who are in on-call administrative positions.
5. When the vehicle is being used by on-call investigators.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

1. All department identification, portable radios, and equipment should be secured.

(g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief Probation Officer or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and control devices shall be removed and properly secured in the member's residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department, when a member will be away (e.g., on vacation) for periods exceeding one week.

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1. If the vehicle remains at the member's residence, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and maintenance of the vehicle.

602.6 VEHICLE MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall inspect their assigned vehicles daily for service/maintenance requirements and damage.

(b) It is the member's responsibility to ensure the assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department member in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card, explaining the service or repair, and leave it on the seat or dash.

602.6.1 VEHICLE INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any probationer, the transporting member shall search all areas of the vehicle that are accessible by the probationer before and after that person is transported.

All department-owned vehicles are subject to inspection and/or search at any time by a supervisor. No member assigned to or operating such vehicle may have any expectation of privacy regarding the vehicle or any of its contents, regardless of who owns the contents. At a minimum, supervisors shall ensure quarterly inspections of vehicles assigned to members under their command to verify the vehicles are being maintained in accordance with this policy.

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602.6.2 VEHICLE SAFETY REPAIRS

Anyone authorized to drive department vehicles is responsible for inspecting the interior and exterior of any assigned vehicle before placing the vehicle into service and again at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented.

Vehicles that are deemed unsafe shall not be used until necessary repairs are made. The written request for repairs shall be submitted before the operator checks out a replacement vehicle. The supervisor or the authorized designee shall monitor the maintenance requests and ensure that the necessary repairs are made before the vehicle is placed back into service.

All vehicles owned, leased, or used by this department shall be inspected annually by a qualified individual. Inspection reports will be forwarded to and maintained by the supervisor or the authorized designee.

602.7 TOLL ROAD USAGE

Probation vehicles are not routinely exempt from incurring toll road charges. Members responding to or returning from an emergency call on toll roads while on-duty are exempt from paying the toll if driving an authorized emergency vehicle as provided in Vehicle Code § 23301.5.

Commuting or returning to the Department after an emergency does not qualify for this exemption; members using department-owned vehicles are subject to the toll charge.

To avoid unnecessary toll road violation charges, members shall adhere to the following:

(a) Members operating department-owned vehicles on toll roads for any reason other than responding to an emergency or urgent call shall pay the appropriate toll charge or use the appropriate tollway transponder. Members may seek reimbursement from the County for any toll fees incurred in the course of official business.

(b) Members driving department-owned vehicles through a toll plaza while responding to an emergency or urgent call shall notify, in writing, the appropriate Division Manager within five working days explaining the circumstances.

602.8 ATTIRE AND APPEARANCE

Whenever a member is in public view or has contact with the public, the member's attire and appearance, regardless of the activity, should be within Department policy and reflect positively upon the Department.

602.9 COLLISION, DAMAGE, ABUSE, AND MISUSE

When any department-owned vehicle is involved in a traffic collision, the involved member shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction. The member shall complete the department's vehicle collision form.

When a collision involves an department-owned vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death or potentially involves any criminal charge, an outside agency should be summoned

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to handle the investigation. If the member is incapable of completing this department's vehicle collision form, a supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered. It shall be documented in memorandum format and forwarded to the appropriate Division Manager. An administrative investigation should be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

602.10 USE OF PERSONAL VEHICLES

The Chief Probation Officer or the authorized designee must approve use of personal vehicles for official business.

The Chief Probation Officer or the authorized designee shall verify that the personal vehicle meets the state's insurance requirements. A copy of the insurance card shall be retained in the vehicle and in a department file. All policies and procedures applicable to department vehicles shall apply to the personal vehicle while it is being used for official business.

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Personal Protective Equipment

603.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well as the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Disposable particulate mask - A class of disposable respirators approved by the Food and Drug Administration (FDA) and the National Institute for Occupational Safety and Health (NIOSH) as suitable for use where fluid or particulate resistance is a priority.

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

603.2 POLICY

The Tulare County Probation Department endeavors to protect members by supplying certain PPE as provided in this policy.

603.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

603.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

603.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training, or during situations in which eye protection may be warranted. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

603.6 TRAINING

Members will be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

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Body Armor

604.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

604.2 POLICY

It is the policy of the Tulare County Probation Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for observing officer safety procedures.

604.3 ISSUANCE

The Rangemaster shall ensure that body armor issued to officers meets or exceeds the standards of the National Institute of Justice.

Body armor shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

604.3.1 USE

Generally, the required use of body armor is subject to the following:

(a) Members shall only wear department-approved body armor.

(b) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action, including but not limited to when they are participating in field supervision activities.

(c) Members shall wear body armor when working in uniform or taking part in department range training.

(d) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.

(e) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.

604.3.2 INSPECTION

Rangemasters should ensure through routine observation and periodic inspections that body armor is worn and maintained in accordance with this policy.

Annual inspections of body armor should be conducted by a person trained to perform the inspection for fit, cleanliness, and signs of damage, abuse, and wear.

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604.3.3 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following criteria:

(a) Members are responsible for inspecting their body armor for signs of damage, wear, and cleanliness at the start of each shift.

1. Unserviceable body armor shall be reported to the supervisor.

(b) Members are responsible for properly storing their body armor.

1. Body armor should not be stored for an extended period in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.

(c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.

1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.

2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.

(d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

604.4 RANGEMASTER RESPONSIBILITIES

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

(a) Monitoring technological advances in the body armor industry for any appropriate changes to department-approved body armor.

(b) Assessing the level of weapons and ammunition currently utilized by the public and the suitability of approved body armor to protect against those threats.

(c) Educating officers about the safety benefits of wearing body armor.

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Chapter 7 - Support Services

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Property

700.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security, and disposition of evidence, and other property.

700.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Tulare County Probation Department, including evidence, and items taken for safekeeping.

700.2 POLICY

It is the policy of the Tulare County Probation Department to process, store, secure, and dispose of all property in a reasonable manner and to maintain documentation that tracks the location of property and its disposition.

700.3 RESPONSIBILITIES

The Chief Probation Officer should designate a Property Room Manager for the management of property held by the Tulare County Probation Department.

The Property Room Manager should:

(a) Maintain procedures for the safety, security, and chain of custody for property received, including procedures for packaging, submitting, storing, transferring, releasing, and disposing of property.

(b) Maintain procedures for facility security and access control, including access logs.

(c) Maintain emergency procedures and supplies for the continuity of operations if the facility must be evacuated or moved (e.g., for hazardous spills, fires, floods), including protective equipment for personnel, lighting, and ventilation.

(d) Develop and make available appropriate forms.

(e) Maintain procedures for the use of property for investigative or training purposes.

(f) Conduct inventories and participate in audits and inspections as provided in this policy and address identified issues as appropriate.

(g) Submit an annual report regarding money that is presumed to have been abandoned to the Chief Probation Officer and the Tulare County department responsible for auditing property.

(h) Establish agreements with other appropriate organizations that have resources and expertise to store and destroy hazardous materials, flammable materials, explosive materials, narcotics and dangerous drugs, and other materials requiring specialized destruction.

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700.4 SECURITY

Only members authorized by the Property Room Manager should have access to property. Members authorized to access secure property storage areas should take reasonable steps to prevent access by unauthorized persons. This includes preventing others from accessing related keys, access codes, passwords, or access cards and reporting any possible breaches or security concerns as soon as practicable.

700.5 PROPERTY HANDLING

The member who first comes into possession of property is generally responsible for the collection, care, custody, and control of the property until it is securely stored.

Receipts should be provided to individuals when property is received or removed from them.

A supervisor should be notified when a submitting member did not follow appropriate procedures.

Members should securely store property prior to going off-duty.

700.6 SPECIAL CONSIDERATIONS

The following items require special consideration and should be handled in line with current department procedures, to include the following:

(a) Cash should be counted in the presence of another member. The cash shall be placed in a property envelope and initialed by both members. Cash should be booked in with the defendant during the booking process.

(b) Controlled Substance shall be handled in accordance with the Probation Procedure Manual.

Digital evidence should be stored in a manner to prevent it from becoming demagnetized.

Explosives, fireworks, ammunition, and hazardous and flammable substances should be reported to local law enforcement.

Firearms shall be reported to local law enforcement.

Syringe tubes or other sharps containers should be used to package syringes, needles and other sharps.

700.7 RECORDING OF PROPERTY

Members should ensure that all documentation and tagging is completed when entering property and evidence. The Property Room Manager receiving custody of property shall ensure a property control record for each item or group of items has been created.

The Property Room Manager shall ensure that a unique property number is obtained for each item or group of items.

700.8 INSPECTION OF THE PROPERTY STORAGE AREA

The Division Manager shall ensure that periodic, unannounced inspections of the storage facilities are conducted to ensure adherence to appropriate policies and procedures. The Division Manager also shall ensure that an audit is conducted annually, or as directed by the Chief Probation Officer.

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Inspections and audits shall be conducted by a member of this department who is not routinely or directly connected with the property operations.

Whenever there is a change of assignment for any member with authorized access to the stored property, an inventory of all property shall be conducted by a person who is not associated with the stored property, or its function. This is to ensure that all property is accounted for and the records are correct.

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Records Maintenance and Release

701.1 PURPOSE AND SCOPE

This policy establishes guidelines for the maintenance, release, and disposition of records maintained by the Department. The policy addresses responsibilities of the Records Supervisor for the management of file access, and requests for release of information and records.

701.2 POLICY

It is the policy of the Department to maintain probationer records and to provide for the access to and release of records consistent with department policies, administrative directives, and applicable state law.

701.3 RECORDS CUSTODIAN RESPONSIBILITIES

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

(a) Maintaining and updating a records procedure manual.

(b) Supervising the access, use, and release of protected information (see the Protected Information Policy).

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

(d) Maintaining and updating the department records retention schedule, including:

1. Identifying the minimum length of time the Department must keep records.
2. Identifying who has the responsibility for the original record.

(e) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).

(f) Identifying records or portions of records that have release restrictions or are confidential under state or federal law and not open for inspection or copying.

(g) Establishing procedures for sharing records as permitted by law with probationers, their designees, and coordinating agencies, including law enforcement agencies, social service agencies, and medical and mental health providers.

(h) Establishing rules regarding the processing of subpoenas for the production of records.

(i) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of data.

(j) Ensuring the availability of a current schedule of fees for public records as allowed by law (Government Code § 7922.530).

(k) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.

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(l) Ensuring that public records posted on the department website meet the requirements of Government Code § 7922.680, including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

701.4 PROCESSING REQUESTS FOR RECORDS

Any department member who receives a request for any records shall route the request to the Records Supervisor or authorized designee.

701.4.1 REQUESTS FOR PUBLIC RECORDS

The processing of requests for public records is subject to the following (Government Code § 7922.530):

(a) The Department is not required to create records that do not exist.

(b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions.

2. If the record is an audio or video recording, a copy of the redacted audio/video recording release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(c) Either the requested record or the reason for nondisclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Records Supervisor or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

1. When the request does not reasonably describe the records sought, the Records Supervisor shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request, including providing assistance for overcoming any practical basis for denying access to the records or information. The Records Supervisor shall also assist in describing the information and technology and physical location in which the record exists (Government Code § 7922.600).

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

(d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).

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701.4.2 DENIALS

The denial of a request for public records is subject to the following:

(a) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 7922.000; Government Code § 7922.540).

(b) The written response to the denial shall include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.540).

701.4.3 RELEASE RESTRICTIONS

Examples of release restrictions include (except where allowed by law or court order):

(a) Probationer records, including probationer classification, disciplinary records, pre-sentence or disposition reports, supervision reports, and progress reports.

(b) Probation reports filed with a court (Penal Code § 1203.03; Penal Code § 1203.05).

(c) Records relating to juveniles (Welfare and Institutions Code § 827; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

(d) Probationer medical, mental health, and substance abuse records (Government Code § 7930.130; Government Code § 7930.170; 42 CFR 2.35).

(e) Probationer education records (Family Education Rights and Privacy Act of 1974 (FERPA); Education Code § 49076).

(f) Personnel records, medical records, or similar files that would involve an unwarranted invasion of personal privacy (Government Code § 7927.700; Penal Code § 832.8; Evidence Code § 1043 et seq.).

(g) Home addresses, home telephone numbers, personal cellular telephone numbers, and birth dates of department members except as allowed by Government Code § 7928.300.

(h) Criminal intelligence and criminal history information (Penal Code § 13102; Penal Code § 13300) (see also the Protected Information Policy).

(i) A record of a complaint, or the investigations, findings, or dispositions of that complaint, if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7(b)(9)).

701.5 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Records Supervisor for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the appropriate prosecutor or the courts.

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

701.6 RELEASED RECORDS TO BE MARKED

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

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

701.7 SECURITY BREACHES

Members who become aware that any Tulare County Probation Department system containing personal information may have been breached should notify the Records Supervisor as soon as practicable.

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

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system (Civil Code § 1798.29).

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

For the purposes of the notice requirement, personal information includes (Civil Code § 1798.29):

(a) An individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:

1. Social Security number
2. Driver's license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
3. Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account
4. Medical information
5. Health insurance information

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6. Unique biometric data
7. Genetic data

(b) A username or email address, in combination with a password or security question and answer that would permit access to an online account.

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Records Supervisor should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

701.8 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Records Supervisor and, if appropriate, the member assigned to supervision of the probationer.

The Records Supervisor shall seal such records as ordered by the court. Once a record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781; Welfare and Institutions Code § 786; Welfare and Institutions Code § 786.5).

701.8.1 SEALED JUVENILE RECORDS

The Records Supervisor shall seal the citation, arrest records, and other records in department custody relating to a juvenile's arrest and referral and participation in a diversion or supervision program as provided by Welfare and Institutions Code § 786.5.

The Records Supervisor should ensure that the citing or arresting law enforcement agency and the California Department of Justice (DOJ) are notified to seal any citation, arrest records, and other records required by Welfare and Institutions Code § 786.5. Within 30 days of receipt of notification from the arresting law enforcement agency that the records have been sealed, the Records Supervisor should ensure that the involved minor receives written notification that their records have been sealed. If the records are not sealed, written notice shall inform the minor of their ability to petition the court directly to seal their arrest, citation, and other related records (Welfare and Institutions Code § 786.5).

Upon receiving a list of juvenile arrest records from the DOJ that are eligible to be sealed, the Records Supervisor or the authorized designee shall review the records identified in the list and determine if the records are eligible to be sealed in accordance with Welfare and Institutions Code § 781.2. Within six months of receiving the list, the Records Supervisor or the authorized designee shall electronically report to the DOJ which records were sealed (Welfare and Institutions Code § 781.2).

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701.9 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released pursuant to a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by any officer, or depicts an incident in which the use of force by any officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Records Supervisor should work as appropriate with the Chief Probation Officer or the Professional Standards Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

701.9.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source. Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident. After the initial 45 days and up to one year, delayed disclosure may continue if the Department demonstrates substantial interference with the investigation. Any delayed disclosure longer than one year must be supported by clear and convincing evidence (Government Code § 7923.625).

701.9.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Records Supervisor shall provide written notice to the requester as follows (Government Code § 7923.625):

(a) During the initial 45 days, the Records Supervisor shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

(b) When delay is continued after the initial 45 days, the Records Supervisor shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Records Supervisor should work with the Chief Probation Officerin reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

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701.9.3 REDACTION

If the Records Supervisor, in consultation with the Chief Probation Officer or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Records Supervisor shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

701.9.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

(a) The person in the recording whose privacy is to be protected, or the authorized representative.

(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Records Supervisor shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

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Protected Information

702.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by members of the Tulare County Probation Department. This policy addresses the protected information used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

702.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data collected, stored, or accessed by members of the Tulare County Probation Department and that is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information in federal, state, or local law enforcement databases that is not accessible to the public.

702.2 POLICY

Members of the Tulare County Probation Department will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

702.3 RESPONSIBILITIES

The Chief Probation Officer shall select a Division Manager of the Department to coordinate the use of protected information.

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

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicles (DMV) records, and California Law Enforcement Telecommunications System (CLETS).

(b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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702.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Tulare County Probation Department policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy, County Personnel Rules, and/or criminal prosecution.

702.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive, or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

702.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from law enforcement agencies who are assisting in an investigation or conducting a related investigation. Any such information should be released through the Administrative Division, or authorized designee, to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

702.5.1 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, other than CJI and CHRI, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a Mobile Computer System or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

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- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

702.5.2 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

702.6 SECURITY OF PROTECTED INFORMATION

The Chief Probation Officer will select a member of the Department to oversee the security of protected information.

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

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.

(d) Tracking, documenting, and reporting all breach of security incidents to the Chief Probation Officer and appropriate authorities.

702.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

702.7 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to, or obtain information from a criminal intelligence system unless the Chief Probation Officer has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for supervising the use of any criminal intelligence system by members. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

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(c) Any system security issues are reasonably addressed.

702.7.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, case notes, a photo, or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Supervisor. Any supporting documentation for an entry shall be retained by the Records Supervisor in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Supervisor are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

702.7.2 SHARED GANG DATABASE

Any shared gang database shall be accessed and maintained in accordance with state and federal law, guidelines, and regulations (Penal Code § 186.36).

702.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

702.9 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (Government Code § 8310.3).

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Chapter 8 - Personnel

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Standards of Conduct

800.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Tulare County Probation Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

800.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

800.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

800.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law, or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that conflicts with a previous lawful order, department policy, or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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800.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to the immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.

(d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

800.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

800.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics, and specific action or inaction that is detrimental to efficient department service.

800.5.1 LAWS, RULES, AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in department or county manuals.

(b) Disobeying any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local, or administrative laws, rules, or regulations.

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800.5.2 ETHICS

(a) Using or disclosing one's status as a member of the Tulare County Probation Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) Wrongfully or unlawfully exercising authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.

(c) Receiving or accepting a reward, fee, or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Accepting fees, gifts, or money contrary to the rules of this department and/or laws of the state.

(e) Offering or accepting of a bribe or gratuity.

(f) Misappropriating or misusing public funds, property, personnel, or services.

(g) Any other failure to abide by the standards of ethical conduct.

800.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

800.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one’s official capacity.

(b) Engaging in on-duty sexual activity including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, probationer, supervised person, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws, or who are under the supervision of the courts, any probation department, or any correctional authority after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this department.

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(f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

800.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

800.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.

1. Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation, probationer, or critical incident information.

(c) Using any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief Probation Officer or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any Tulare County Probation Department badge, uniform, identification card, or department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

800.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

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(e) Failure to notify the Department within 24 hours of any change in residence address or contact telephone numbers.

(f) Failure to notify the Human Resources and Development of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

800.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.

(b) Falsifying any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any department record, public record, book, paper, or document.

(c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency, and discipline of this department, or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises
2. At any work site, while on-duty or while in uniform, or while using any department equipment or system

(g) Improper political activity, including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by County policy, the collective bargaining agreement or memorandum of understanding, or the Chief Probation Officer.

(h) Engaging in political activities during assigned working hours except as expressly authorized by Tulare County policy, the collective bargaining agreement or memorandum of understanding, or the Chief Probation Officer.

(i) Any act on- or off-duty that brings discredit to this department.

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800.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on the member's part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful probation officer powers by unreasonable, unlawful, or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the County.

(g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or memorandum of understanding, including fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief Probation Officer of such action.

(m) Any other on- or off-duty conduct that any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or reflects unfavorably upon this department or its members.

800.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver’s license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform probation duties.

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(d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic accident.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable within 24 hours of the event.

800.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to any work site.

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Performance Evaluations

801.1 PURPOSE AND SCOPE

This policy provides guidelines for the Tulare County Probation Department performance evaluation system.

801.2 POLICY

The Tulare County Probation Department shall use a performance evaluation system, pursuant to Tulare County Personnel Rule 19, to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The Department evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

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Special Assignments and Promotions

802.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Tulare County Probation Department.

802.2 POLICY

The Tulare County Probation Department determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief Probation Officer.

802.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief Probation Officer.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief Probation Officer.

802.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the County Human Resources and Development.

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Grievances

803.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the Tulare County Probation Department grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

803.2 POLICY

It is the policy of the Tulare County Probation Department to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance. The Tulare County Probation Department will adhere to the grievance policies and procedures contained in Tulare County Personnel Rule 13 and in the applicable Memoranda of Understanding.

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Reporting of Arrests, Convictions, and Court Orders

804.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that employees must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Tulare County Probation Department.

This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

804.2 POLICY

The Tulare County Probation Department requires disclosure of employee arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Tulare County Probation Department.

804.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

California and federal law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All employees and retired officers with identification cards issued by the department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

804.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Any person convicted of a felony is prohibited from being a peace officer. The prohibition applies whether guilt was established by way of a verdict, or a guilty or nolo contendere plea (Government Code § 1029).

Convictions of certain violations of the Vehicle Code and other provisions of law (e.g., driver's license suspension or revocation) may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants also place restrictions on the ability of an officer to possess a firearm or remain a peace officer (Government Code § 1029; Penal Code § 29805).

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by employees inherently conflicts with their duties and the public trust.

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804.5 REPORTING PROCEDURE

All employees and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief Probation Officer in the case of retired officers) in writing of any past or current criminal detention, arrest, charge, outstanding warrant, or conviction, regardless of whether the matter was dropped or rejected, is pending, or is on appeal, and regardless of the penalty or sentence, if any.

All employees and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief Probation Officer in the case of retired officers) in writing if they become the subject of a domestic violence-related order or similar court order or become the subject of an outstanding warrant.

Any employee whose criminal arrest, conviction, or court order restricts or prohibits that employee from fully and properly performing duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the employee, on the employee's own time and expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

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Drug- and Alcohol-Free Workplace

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

805.2 POLICY

It is the policy of the Tulare County Probation Department to provide a drug- and alcohol-free workplace for all members, pursuant to Tulare County Personnel Rule 21.

All members are to review the Tulare County Drug Free Workplace Policy Handbook.

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Sick Leave

806.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in County Personnel Rule 6.7 or applicable collective bargaining agreement or memorandum of understanding.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (Government Code § 12945.2; Government Code § 12945.8; Labor Code § 1510).

806.2 POLICY

It is the policy of the Tulare County Probation Department to provide eligible employees with a sick-leave benefit.

806.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick-leave benefits, or both.

806.4 NOTIFICATION

All members should notify the Division Manager or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If a member is unable to contact the supervisor due to an emergency, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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Communicable Diseases

807.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

807.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms present in and transmissible through human blood, urine, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, the mouth, a mucous membrane, or non-intact skin comes into contact with blood, urine, or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure includes only those instances that occur due to a member's position at the Tulare County Probation Department. (See the agency's exposure control plan for further details to assist in identifying whether an exposure has occurred).

807.2 POLICY

The Tulare County Probation Department is committed to providing a safe work environment for its members. Members should know that they are ultimately responsible for their own health and safety.

807.3 EXPOSURE CONTROL OFFICER

The Chief Probation Officer will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure prevention and decontamination procedures.

(b) Procedures for when and how members may obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
2. Bloodborne pathogen mandates, including (8 CCR 5193):
    (a) Sharps injury log.
    (b) Needleless systems and sharps injury protection.

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3. Airborne transmissible disease precautions (8 CCR 5199).
    (a) Engineering and work practice controls related to airborne transmissible diseases.
    (b) Distribution of appropriate PPE to minimize exposure to airborne disease.
4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person who may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

(e) Provisions for acting as the designated liaison with health care facilities regarding communicable disease or condition exposure notification. The designated liaison should coordinate with other department members to fulfill the role when the designated liaison is not available. The designated liaison shall ensure that the name, title, and telephone number of the designated liaison is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan.

807.4 EXPOSURE PREVENTION AND MITIGATION

807.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to:

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, urine, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

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(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood, urine, or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

807.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

807.5 POST EXPOSURE

807.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other exposed skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

807.5.2 REPORTING REQUIREMENTS

The supervisor or designated administrator on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor or designated administrator shall ensure the following information is documented:

(a) Name and Social Security number of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., cleanup, notifications)

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The supervisor or designated administrator shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor or designated administrator should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting and Illness and Injury Prevention policies).

807.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating health care professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials that require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

807.5.4 COUNSELING

The Department shall provide the member, and the member's family if necessary, the opportunity for counseling and consultation regarding the exposure.

807.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

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(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the individual refuses.

807.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

807.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193; 8 CCR 5199):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting the member's potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

808.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Tulare County Probation Department facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes but is not limited to any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

808.2 POLICY

The Tulare County Probation Department recognizes that tobacco use is a health risk and that smoking and tobacco use can be offensive to others. Smoking and tobacco use also present an unprofessional image for the Department and its members. Therefore, smoking and tobacco use are prohibited in all department facilities, buildings, and vehicles, as further outlined in this policy. This prohibition applies to members and visitors.

808.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members are prohibited when members are actively representing the Tulare County Probation Department.

It shall be the responsibility of each member to ensure that no person under the member's supervision smokes or uses any tobacco product inside County facilities and vehicles.

808.4 ADDITIONAL PROHIBITIONS

Smoking and use of other tobacco products is not permitted inside department buildings or any department vehicle, or any other county building (Labor Code § 6404.5).

No person shall smoke or use tobacco products within 20 feet of a main entrance, exit, or operable window of any public building, including any department buildings or a building on the campuses of the University of California, California State University, and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

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Personnel Complaints

809.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Tulare County Probation Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

809.2 POLICY

The Tulare County Probation Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, municipal and county rules, and the requirements of any collective bargaining agreements or memorandums of understanding.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

809.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state, or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state, or local law, policy, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

809.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Division Manager is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be referred to the Professional Standards Unit, or Human Resources and Development, depending on the nature, seriousness or complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned manager or the Professional Standards Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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809.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

809.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

809.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a public area of the department facility and be accessible through the department website. Forms may also be available at other County facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

See attachment: Personnel Complaint Advisement (11.6.2024).pdf

809.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the statement at the time it is filed with the Department (Penal Code § 832.7).

809.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

809.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

The Department shall accept and investigate internal complaints or complaints from the public that allege an officer has, in the previous seven years and since age 18, was a member of a hate

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group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

809.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief Probation Officer or the authorized designee.

809.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated by the Professional Standards Unit or Human Resources and Development.

809.6.1 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights (POBR) (Government Code § 3303):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If off-duty, the member shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Tulare County Probation Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member should be informed of the nature of the investigation, the name, rank, and command of the officer in charge of the investigation, the interviewing officers, and all other persons to be present during the interview.

(e) All interviews shall be for a reasonable period, and the member's personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

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2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or because the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

809.6.2 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

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809.6.3 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

809.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces, and other areas, including desks, offices, and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched at any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio, or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence; with the member's consent; with a valid search warrant; or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

809.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An officer may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

(a) Pursuant to a state law or proper legal process

(b) Information exists that tends to indicate a conflict of interest with official duties

(c) If the officer is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

809.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief Probation Officer or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons, and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

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809.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, the criminal allegations will be investigated apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief Probation Officer shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief Probation Officer may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of the member's constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Tulare County Probation Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

809.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be presented to the Professional Standards Committee. The Chief Probation Officer may accept or modify any recommendation for disciplinary action.

809.10.1 PROFESSIONAL STANDARDS COMMITTEE

Upon receipt of any completed personnel investigation, the Professional Standards Committee shall review the entire investigative file, the member's personnel file, and any other relevant materials.

The Professional Standards Committee may make recommendations regarding the disposition of any allegations.

The Professional Standards Committee may return the entire investigation to the assigned investigator for further investigation or action.

The Professional Standards Committee will determine the level of discipline after reviewing the investigation.

809.10.2 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief Probation Officer or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

809.10.3 NOTICE REQUIREMENTS

The disposition of any civilian’s complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

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809.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement before the discipline is imposed, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

809.12 POST-DISCIPLINE APPEAL RIGHTS

Appeal rights shall be governed by Tulare County Personnel Rule 12, and /or current Memorandums of Understanding.

809.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) in accordance with Tulare County Personnel Rules.

809.14 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

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Seat Belts

810.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

810.2 POLICY

It is the policy of the Tulare County Probation Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

810.3 WEARING SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall confirm that all other occupants, including those who are not members of the Department, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

810.4 TRANSPORTING PERSONS IN CUSTODY

Persons in custody should be in a seated position and secured in the rear seat of any department vehicle with a transport restraint system or, when a transport restraint system is not available, by seat belts provided by the vehicle manufacturer. The transport restraint system is not intended to be a substitute for handcuffs or other appendage restraints. See the Transporting Persons in Custody Policy.

Persons in custody in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

810.5 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief Probation Officer.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

810.6 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

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810.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag systems, the system will not be tampered with or deactivated. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Personnel Records

811.1 PURPOSE AND SCOPE

This policy governs maintenance of and access to personnel records. Personnel records include any file maintained under an individual member's name.

811.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the constitution and laws of California (Penal Code § 832.7).

811.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person’s employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment, and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

811.4 WORK SITE FILE

Work site files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Work site file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

811.5 TRAINING FILE

The Training Manager shall maintain an individual training file for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Manager or the member's immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

811.6 PROFESSIONAL STANDARDS UNIT FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Chief Probation Officer. Access to these files may be approved only by the Chief Probation Officer or the Professional Standards Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

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Investigation files arising out of sustained civilian complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

811.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.

(d) Medical release forms, doctor's slips, and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present, or future anticipated mental, psychological or physical limitations.

811.8 SECURITY

Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy, or according to applicable discovery procedures, or as otherwise required by law.

Nothing in this policy is intended to preclude review of personnel records by the County Administrative Officer, County Counsel, or other attorneys or representatives of the County in connection with official business.

811.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Professional Standards Supervisor or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

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The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

811.9 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief Probation Officer through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member’s request and the written response from the Department shall be retained with the contested item in the member’s corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline

(b) Confidential portions of internal affairs files that have not been sustained against the member

(c) Criminal investigations involving the member

(d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding

811.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

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(a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief Probation Officer.

(c) If, in the opinion of the Chief Probation Officer, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

811.11 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Records Supervisor should work as appropriate with the Chief Probation Officer or the Professional Standards Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter referred to as "qualifying

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records") shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

(a) Records relating to the report, investigation, or findings of:

1. The discharge of a firearm at another person by an officer.
2. The use of force by an officer against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)).
3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.

(b) Records relating to an incident where a sustained finding was made by the department or oversight agency regarding:

1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of or investigation of misconduct by another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
3. An officer engaged in conduct including, but not limited to verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of a qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

811.11.1 REDACTION

The Department shall redact the following portions of qualifying records made available for release, only for the following purposes (Penal Code § 832.7(b)(6)):

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(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers

(b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses

(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

811.11.2 DELAY OF RELEASE

The Department may withhold a record of an incident that is the subject of an active criminal or administrative investigation in accordance with the following (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.

(b) Filed criminal charges

1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial, or if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until there is a determination from the investigation whether misconduct or the use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or the use of force.

811.11.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Department shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

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(a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

(b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

811.12 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Records Supervisor or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

811.12.1 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (see the Records Maintenance and Release Policy) (Penal Code § 832.7; Evidence Code § 1043).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

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The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

The Department may, without a request, disclose to the public the cause of termination for a disclosable incident involving a former officer, as permitted by law (Penal Code § 832.7(b)(13)).

811.12.2 REQUESTS FOR DISCLOSURE OF FORMER EMPLOYEE FILES

Members receiving requests for information from another agency regarding allegations of sexual abuse or sexual harassment involving a former employee should work with counsel to ensure compliance with Prison Rape Elimination Act (PREA) requirements (28 CFR 115.317).

811.12.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a preemployment background investigation except where specifically prohibited by law (Penal Code § 13670).

811.12.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to the investigation of an officer for a hate complaint described in Penal Code § 13682, with a sustained finding that the officer was a member of a hate group, participated in a hate group activity, or advocated public expressions of hate, are not confidential. These records shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted (Penal Code § 13683):

(a) To remove personal data or information, such as a home address, telephone number, email address, or identities of family members.

(b) To preserve the anonymity of complainants and witnesses.

(c) To protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by officers.

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person.

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Fitness for Duty

812.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

812.2 POLICY

The Tulare County Probation Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member’s physical and/or mental capabilities to determine the member's ability to perform essential functions.

812.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of the member's position.

During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.

Any member who feels unable to perform the member's duties shall promptly notify a supervisor. If a member believes another member is unable to perform that member's duties, such observations and/or belief shall be promptly reported to a supervisor.

812.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform any duties because of an underlying physical or psychological impairment or condition.

Such indications may include:

(a) An abrupt and negative change in the member's normal behavior.

(b) A pattern of irrational conduct, hostility, or oppositional behavior.

(c) Personal expressions of instability.

(d) Inappropriate use of alcohol or other substances, including prescribed medication.

(e) A pattern of questionable judgment or impulsive behavior, or the inability to manage emotions.

(f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or a condition requiring intervention.

Consistent with this policy, supervisors shall maintain the confidentiality of any information.

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812.4.1 REPORTING

A supervisor observing a member or receiving a report about a member perceived to be unable to safely or effectively perform duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document the observations and actions in a written report and inform the Supervising Probation Officer or the member's Division Manager or Chief Probation Officer.

812.4.2 DUTY STATUS

In conjunction with the member's Chief Probation Officer and Division Manager, the Supervising Probation Officer should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of the job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of the job, the Supervising Probation Officer, the member's Division Manager, or the authorized designee should immediately relieve the member of duty pending further evaluation.

Members relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Division Manager and Chief Probation Officer, or the authorized designee, shall be promptly notified in the event that any member is relieved of duty.

812.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member may be unfit for duty or following an officer-involved shooting or death-in-custody incident.

812.5.1 PROCESS

The Division Manager or Chief Probation Officer, in cooperation with Human Resources and Development, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report. If the member places their condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any information relevant to such proceedings (Civil Code § 56.10(c)(8)).

To facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

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All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with Human Resources and Development.

812.6 LIMITATION ON HOURS WORKED

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

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Lactation Breaks

813.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members (Labor Code § 1034).

813.2 POLICY

It is the policy of the Tulare County Probation Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for their nursing child (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

813.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify a supervisor before taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

813.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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813.5 STATE REQUIREMENTS

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

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Overtime Compensation

814.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

814.2 POLICY

The Tulare County Probation Department will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.The Tulare County Probation Department shall adhere to Tulare County Personnel Rule 4.3, and the Memorandums of Understanding with the Tulare County Probation Association and the Service Employees International Union.

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Personal Appearance Standards

815.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Tulare County Probation Department.

Requirements for department uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

815.2 POLICY

Tulare County Probation Department members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this department and for their assignments. Department personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to members of the Department.

815.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Chief Probation Officer has granted an exception.

815.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., physical disability, cultural) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the member's immediate supervisor.

815.3.2 HAIR

Hair shall be clean, neatly trimmed or arranged and not present a distraction or safety hazard. Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily used for securing the hair and must present a professional image.

For officer safety, when working with clients, hairstyles for officers must not extend below the bottom edge of a uniform or dress shirt collar while assuming a normal stance. Longer hair shall be worn up or in a tightly wrapped braid or ponytail that is secured to the head above the bottom edge of the shirt collar.

815.3.3 FACIAL HAIR

Facial hair shall be neatly trimmed, groomed and not present a distraction or safety hazard.

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815.3.4 FINGERNAILS

Fingernails shall be clean, neatly trimmed to a length that will not present a safety concern, and shall present a professional image.

815.4 APPEARANCE

815.4.1 JEWELRY

For the purpose this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed. See the Uniforms and Civilian Attire Policy for jewelry specifications that apply while wearing the department uniform.

(a) Necklaces shall not be visible above the shirt collar.

(b) Earrings

1. Sworn staff, having contact with clients, may only wear a single set of stud earring of small size. No hoop or shapes may be worn. Only one earring per ear is permitted. For the purpose of safety, earrings shall not be permitted for those staff assigned to facilities.

2. Members not having contact with clients may wear earrings of moderate size and shape. No large hoops or shapes larger than 1" may be worn. No more than two earrings per ear are permitted.

(c) . No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(d) Wristwatches shall be conservative and present a professional image.

(e) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

815.4.2 TATTOOS

Tattoos will be concealed by clothing for members who work in airconditioned buildings. Individuals with visible tattoos on body parts that cannot easily be covered, such as the neck or hands, will be permitted to leave those body parts uncovered.

815.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than ears) or alteration to any area of the body that is visible while on-duty or while representing the Tulare County Probation Department in any official capacity, that is a deviation from normal anatomical features and that is not medically required, is prohibited. Such body alteration includes but is not limited to:

(a) Tongue splitting

(b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).

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(c) Abnormal shaping of the ears, eyes, nose, or teeth (i.e., enlarged or stretched out holes in the earlobes).

(d) Branding, scarification, or burning to create a design or pattern.

815.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Tulare County Probation Department in any official capacity. Such ornamentation includes but is not limited to:

(a) Objects that are bonded to front teeth.

(b) Gold, platinum, or other veneers or caps used for decorative purposes.

(c) Orthodontic appliances that are colored for decorative purposes.

815.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Tulare County Probation Department in any official capacity.

815.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion, and other items used for body fragrance shall be kept to a minimum.

815.4.7 UNDERGARMENTS

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

815.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief Probation Officer should be advised of any request for such an accommodation.

Those who request to wear headscarves, simple head coverings, certain hairstyles, or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

815.6 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief Probation Officer should be advised of any request for such an accommodation.

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Uniforms and Civilian Attire

816.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements for civilian attire and Tulare County Probation Department-authorized uniforms. The purpose of this policy is to ensure that uniformed members are readily identifiable to the public through the proper use and wearing of department uniforms, and that the appearance of those members who wear civilian attire reflects favorably on the Department.

This policy addresses wearing and maintaining department uniforms, accessories, insignia, patches, and badges. It also covers the requirements for members who wear civilian attire, plus the authorized use of optional equipment and accessories by department members.

Other related topics, including authorized and unauthorized use of badges, lost or stolen badges, and the use of the badge or its likeness by employee groups, are addressed in the Badges, Patches, and Identification, Department-Owned and Personal Property, and Personal Appearance Standards policies.

816.2 POLICY

The Tulare County Probation Department will provide a uniform allowance for all employees who are required to wear them as agreed upon in the respective employee group's collective bargaining agreement or memorandum of understanding. The Department may provide other department members with uniforms at the direction of the Chief Probation Officer.

All uniforms and equipment issued to department members shall be returned to the Department upon termination or resignation.

816.3 UNIFORMS AND ATTIRE

The Chief Probation Officer or the authorized designee shall maintain and update uniform, attire, and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear department-issued uniforms:

(a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) Officers in a non-uniformed assignment shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform duties as assigned.

(c) Uniforms shall be worn in compliance with any applicable department specifications.

(d) Members shall wear only the uniforms specified for their ranks and assignments.

(e) Uniforms are only to be worn while on-duty, for court, at official department functions or events, while in transit to or from work, or when authorized by the Chief Probation Officer or the authorized designee.

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1. When the uniform is worn while in transit, a non-uniform outer garment shall be worn over the uniform shirt to avoid bringing attention to the member while off-duty.

(f) Members are not to purchase or drink alcoholic beverages while wearing any part of department authorized uniforms.

(g) All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

(h) Members may wear black under armour type no collar shirts under their ballistic vest.If not wearing their ballistic vest, members must wear proper workplace attire, which is a collared shirt as described in this section.

816.3.1 ACCESSORIES

Members shall adhere to the following when wearing department uniforms:

(a) Mirrored sunglasses will not be worn.

(b) Jewelry shall be in accordance with the specifications of the Personal Appearance Standards Policy.

816.3.2 INSIGNIA, PATCHES, AND BADGE

Only the following elements will be affixed to department uniforms unless an exception is authorized by the Chief Probation Officer:

(a) Shoulder patch (optional) - The authorized shoulder patch approved by the Department shall be machine stitched to the sleeves of all uniform jackets.

(b) Badge - The department-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.

(c) Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform.

1. When a jacket is worn, the nameplate, or an authorized sewn-on cloth nameplate, shall be affixed to the jacket in the same manner as the uniform.

(d) Rank insignia - The designated insignia indicating the member's rank must be worn at all times while in uniform.

(e) Assignment insignias - Assignment insignias (e.g., Field Training Officer (FTO)) may be worn as designated by the Chief Probation Officer.

(f) American flag pin - An American flag pin may be worn, centered above the nameplate.

(g) Other insignia - Must be approved by the Chief Probation Officer.

816.3.3 MOURNING BAND

Uniformed members shall wear a black mourning band across the department badge whenever a peace officer is killed in the line of duty or as directed by the Chief Probation Officer. These mourning periods will be observed:

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(a) Tulare County Probation Department officer - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.

(d) National Peace Officers Memorial Day (May 15) - From 0001 hours until 2359 hours.

(e) As directed by the Chief Probation Officer.

816.3.4 LOGOS

Items bearing the department logo will not be worn when performing duties of other employment as described in the Outside Employment and Outside Overtime Policy.

816.4 BUSINESS ATTIRE

The Chief Probation Officer or the authorized designee shall determine the uniform to be worn by each department member or any deviations that may be authorized.

Business attire may include:

(a) Suits, sport coats, blazers, or dress jackets.

(b) Dresses, skirts, dress slacks, trousers (e.g., khakis, Dockers)

(c) Dress Shirts

(d) Polo Shirts (when not attending Court)

(e) Neckties or bow ties

(f) Dress shoes

816.4.1 UNIFORMS

Uniforms shall be in compliance with the current memorandum of understanding with the Tulare County Probation Association (TCPA) and County Personnel Rules.

816.4.2 SPECIALIZED ASSIGNMENT UNIFORM

The Chief Probation Officer or the authorized designee may authorize certain uniforms to be worn by members in specialized assignments, such as canine handlers and other specific assignments.

816.5 ATTIRE

There are assignments within the Department that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which business attire is necessary and will adhere to Tulare County Personnel Rule 20.

(a) Members assigned to administrative, investigative, and support positions shall wear business-appropriate clothing that is conservative in style or pursuant to the Department's uniform policy.

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(b) Variations from this policy are allowed at the discretion of the Chief Probation Officer or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.

816.6 OPTIONAL EQUIPMENT

Items allowed by the Tulare County Probation Department but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the department.

Maintenance of optional items (e.g., repairs due to normal wear and tear) shall be the financial responsibility of the purchasing member.

816.7 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

Department members may not wear any uniform, attire, item, accessory, or attachment unless specifically authorized by the Chief Probation Officer.

Department members may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by the Chief Probation Officer.

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Conflict of Interest

817.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Tulare County Probation Department.

817.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived, or potential conflict in which it reasonably appears that a member's action, inaction, or decisions are or may be influenced by a personal or business relationship.

817.2 POLICY

Members of the Tulare County Probation Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of department members and the public, and thereby maintain the trust of the public and other department members.

817.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among members (Government Code § 12940):

(a) Members are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification to avoid conflicts with any provision of this policy.

(b) Members are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, field training officers (FTOs) and other trainers will not be assigned to train relatives. Department FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they are assigned to train until such time as the training has been successfully completed and the person is off probation.

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817.4 MEMBER RESPONSIBILITIES

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require the member to take enforcement action or provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify an uninvolved, immediate supervisor.

If no uninvolved supervisor is immediately available, the member shall promptly notify the Chief Probation Officer or the authorized designee to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action

817.5 SUPERVISOR RESPONSIBILITIES

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief Probation Officer or the authorized designee of such actual or potential violations through the chain of command.

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Badges, Patches, and Identification

818.1 PURPOSE AND SCOPE

The Tulare County Probation Department (TCPD) badge, logo, patch, and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

818.2 POLICY

The Tulare County Probation Department issues each member appropriate identification, which may include a badge, logo, patch, and/or identification card, depending on the member's position within the Department.

818.3 MEMBER RESPONSIBILITIES

Members of the Tulare County Probation Department will use the TCPD badge, logo, patch, and identification card, as well as the likeness of these items, appropriately and professionally. The TCPD badge, logo, patch, and identification card shall only be displayed or used by a member when acting in an official or authorized capacity.

Department members shall not:

(a) Display or use the TCPD badge, patch, or identification card for personal gain or benefit.

(b) Loan the TCPD badge, patch, or identification card to others or permit these items to be reproduced or duplicated.

(c) Use images of the TCPD badge, patch, or identification card, or the likeness thereof, or the Tulare County Probation Department name, for personal or private reasons, including but not limited to letters, memoranda, and electronic communications, such as email, blogs, social networking, or websites.

818.4 LOST OR STOLEN BADGE, PATCH, OR IDENTIFICATION CARD

Department members shall promptly notify their supervisors whenever their TCPD badges, patches, or identification cards are stolen, lost, damaged, or are otherwise removed from their control.

818.5 BADGES

The Chief Probation Officer shall determine the number and form of badges authorized for use by department members.

Only badges issued by this department may be used, displayed, carried, or worn by members while on-duty or otherwise acting in an official or authorized capacity.

818.5.1 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the TCPD badge shall not be used for any purpose without the express authorization of the Chief Probation Officer and shall be subject to the following:

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(a) An authorized employee group may use the likeness of the TCPD badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the Tulare County Probation Department. The following modification shall be included:

1. Any text identifying the Tulare County Probation Department is replaced with the name of the employee group.
2. A badge number is not included. That portion of the badge may display the acronym of the employee group.

818.6 PATCHES

The Chief Probation Officer shall determine the form of patches authorized for use by the Department. Any request to modify the authorized patches for specialty divisions (e.g., Interagency Task Forces, K-9) should be submitted to the Chief Probation Officer in writing.

Only patches issued by this department are authorized to be displayed or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members, with the written approval of the Chief Probation Officer, may request additional patches, at their own expense.

818.7 IDENTIFICATION CARDS

All members will be issued an official TCPD identification card bearing the member's name, full-face photograph, member identification number, and signature of the Chief Probation Officer or the official seal of the Department. All members shall be in possession of their department-issued identification cards at all times while on-duty or in department facilities.

Whenever on-duty or acting in an official capacity representing the Department, members shall display their department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.

818.8 BUSINESS CARDS

The Department will supply business cards to those members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only authorized business cards are those issued or approved by the Department.

Members should provide a business card to any member of the public who requests one.

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Speech, Expression, and Social Networking

819.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites and provide guidelines for regulating and balancing member speech and expression with the legitimate needs of the Tulare County Probation Department.

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

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

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

819.2 POLICY

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

819.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of Tulare County Probation Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member or a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

(a) Disclosing a photograph and name or address of an officer who is working in a specialized assignment or interagency task force.

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(b) Disclosing the address of a fellow officer.

(c) Disclosing where another officer can be located off-duty.

819.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the department's safety, performance, and public-trust needs the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that compromises or damages the mission, function, reputation, or professionalism of the Department or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and could compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. constitutions.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of Department members. For example, a statement on a blog that provides specific details on how and when custody transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression contrary to the Ethics section in Standards of Conduct Policy as adopted by the Department.

(f) Use or disclosure, through whatever means, of any information, photograph, or video or other recording obtained or accessible because of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief Probation Officer or the authorized designee.

(g) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses, or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Tulare County Probation Department on any personal or social networking or other website or web page, without the express authorization of the Chief Probation Officer.

Members must take reasonable and prompt action to remove any content, including content posted by others, that violates this policy from any web page or website maintained by the employee (e.g., social or personal website).

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819.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Tulare County Probation Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief Probation Officer (Government Code § 3206; Government Code § 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion

(c) Endorse, support, or oppose any product, service, company, or other commercial entity

(d) Appear in any commercial, social, or nonprofit publication, or motion picture, film, video, or public broadcast, or on any website

Additionally, when it can reasonably be construed that a member, acting in the individual's own capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Tulare County Probation Department.

Members retain their right to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

819.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

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

819.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct prohibited under this policy, the factors that the Chief Probation Officer or the authorized designee should consider include:

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(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in performance of duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

819.7 TRAINING

Subject to available resources, the Department should provide periodic training regarding the limitations on speech, expression, and use of social networking to all members of the Department.

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Illness and Injury Prevention

820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Tulare County Probation Department, in accordance with the requirements of 8 CCR 3203. The Tulare County Probation Department Illness and Injury Prevention is available to all staff electronically.

820.2 POLICY

The Tulare County Probation Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injury. The Department will establish and maintain an illness and injury prevention plan and will provide tools, training, and safeguards designed to reduce the potential for accidents, injuries, and illness. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

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Line-of-Duty Deaths

821.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Tulare County Probation Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief Probation Officer may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

821.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing probation-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

821.2 POLICY

It is the policy of the Tulare County Probation Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

821.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Chief Probation Officer.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Chief Probation Officer should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Division Manager or the designee should respond to the hospital to coordinate needed responsibilities.

(d) The Chief Probation Officer or the authorized designee should assign members to handle survivor notifications.

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821.4 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief Probation Officer are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

821.5 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, all media inquires and press releases will be facilitated by the Administration Division of the Tulare County Probation Department.

821.6 CHAPLAIN

The chaplain may serve a significant role in line-of-duty deaths. Duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters as appropriate.
- Assisting liaisons and coordinators with their assignments as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

821.7 NON-LINE-OF-DUTY DEATH

The Chief Probation Officer may authorize certain support services for the death of a member not occurring in the line of duty.

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Attachments

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Personnel Complaint Advisement (11.6.2024).pdf

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PERSONNEL COMPLAINT ADVISEMENT

Pursuant to California Penal Code Section 148.6, any law enforcement agency accepting an allegation of misconduct against a peace officer [as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2] shall require the complainant to read and sign the following advisory:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I have read and understood the above statement.

_____ _____

Complainant **Date**

PERSONNEL COMPLAINT

Today's Date: _____

Date/Time of Incident: _____ Location: _____

Complainant's Name: _____ Phone No: _____

Complainant's Address: _____

Complainant's Email Address: _____

Regarding Officer/Employee(s): _____

SUMMARY OF COMPLAINT: (Use additional pages if necessary)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

I have reviewed this summary of complaint and to the best of my knowledge, I find it to be true and accurate.

_____ _____

Signature of Complainant Signature of Person Accepting Complaint

INDEX / TOPICS

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